

RESERVE

2001

# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



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# **ILLINOIS REGISTER**

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Eligibility

2) Code Citation: 89 Ill. Adm. Code 682

3) Section Numbers: 682.410  
Proposed Action: Amend

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends this Section to change the redetermination time frame to reflect the results of an analysis of first year redeterminations of persons with brain injuries served by the Home Services Program. There have not been any significant changes in the customer's service needs in the current 3 month period, therefore the Section is being amended to require a redetermination every 6 months.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682  
ELIGIBILITY

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## 682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act  
[20 ILCS 2405/3].

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. 14450, effective December 6, 1999; amended at 24 Ill. Reg. 7724, effective May 12, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: REDETERMINATION OF ELIGIBILITY

## Section 682.410 Redetermination Time Frames

- a) Any customer served under the standard Medicaid Waiver shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every twelve months.
- b) Any customer served under the Medicaid Waiver for Persons with AIDS shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every six months.
- c) Any customer served under the Medicaid Waiver for Persons with a Brain Injury shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change occurs, at least once every six three months.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

2) Code Citation: 89 Ill. Adm. Code 686

3) Section Numbers: Proposed Action:  
686.1010 Amendment  
686.1020 Amendment  
686.1030 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends this Section to change the redetermination time frame to reflect the results of an analysis of first year services and case management provided to persons with brain injuries. Home Services Program has revised some of the standards for Case Management of this population. These changes include changing the current 3 month period for a redetermination of the service needs to every 6 months. Also changed is the need for face-to-face contacts and the adding of three categories to the pool of qualifications for case managers and increasing the number of cases that a case manager can serve.

6) Will this proposed amendment replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 686

## PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

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## DEPARTMENT OF HUMAN SERVICES

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## APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

## Section 686.1010 Case Management Provider Responsibilities

a) Case Managers

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) The Case Manager shall receive referrals from hospitals, other health providers, and other State and local agencies.

2) The Case Manager shall have full responsibility for determining eligibility, including assessment, development of service plans, and arrangement and implementation of services to be provided.

b) The Case Manager shall provide the following services:

- 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
- 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
- 3) reassessment of the level of care at least every six three months or at such time when the customer's financial, disabling condition or need for services circumstance changes;
- 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
- 5) counseling and advocacy;
- 6) contacting the customer a minimum of one three time times per month-at-least-one-contact-being-a-face-to-face-visit;
- 7) maintaining and updating customer records; and
- 8) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

c) Eligibility for the Brain Injury Waiver

1) After receipt of a referral, the Case Manager shall complete an individual's eligibility determination for the Medicaid Waiver for Persons with a Brain Injury within the following timeframes:

- A) 2 working days for prescreening referral from cooperating hospitals for interim/emergency services;
- B) 5 working days for all other prescreening for interim/emergency services); and
- C) 10 working days for an eligibility referral.

2) The Case Manager shall determine customer eligibility for the Brain Injured Waiver by completing an assessment from a home visit or while the customer is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the Case Manager will use the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).

3) The Case Manager shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and the resources available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).

d) The Case Manager will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP. The determination notice must be mailed to the HSP office within 10



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

working days after the date on which a completed application is received by the Case Manager.

## e) Service plan

1) If the assessment demonstrates the customer is at risk of unnecessary or premature placement in an institution because of his/her brain injury, the Case Manager shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).

2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the Case Manager's location and the HSP office. Closed cases will be retained in the HSP Central Office.

3) The service plan shall be approved and signed by the customer's physician or neuro-psychologist. If the plan is not approved by the customer's physician or neuro-psychologist, it cannot be implemented and the customer cannot be served under the Brain Injured Waiver.

4) If implementation of services is delayed beyond required time limits in subsection (c) of this Section, the Case Manager must inform the HSP administration and assist the customer in obtaining another provider.

f) Records of contact with customer will be entered and maintained by the Case Manager in the customer's confidential case record. All contacts, oral or written, with or on behalf of a customer shall be documented in a confidential case record. The Case Manager is responsible for obtaining consents for the release of information as necessary and when required by regulation (89 Ill. Adm. Code 505)j.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 686.1020 Case Manager Staffing Requirements, Qualifications and Training

a) Every agency providing case management services shall designate an individual who has overall responsibility for the administration of case management services.

b) A Case Manager shall meet one of the following qualifications:

- 1) a Registered Nurse, licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65];
- 2) a Certified or Licensed Social Worker, certified or licensed pursuant to the Illinois Clinical Social Work and Social Work Practice Act [225 ILCS 20];
- 3) a Social Worker with a minimum of a Bachelor's degree in social work, social sciences or counseling. A Bachelor's of Social Work

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

or a Master's of Social Work from a school accredited by any organization nationally recognized for the accreditation of schools of social work is preferred; ~~or~~

4) a Vocational Specialist holding a certification in Rehabilitation Counseling or a minimum of 3 years working with people with disabilities;

5) Licensed Clinical Professional Counselor (LCPC), licensed pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];

6) Licensed Professional Counselor (LPC), licensed pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];

7) Certified Case Manager (CCM) with certification in case management from an appropriate certifying organization.

c) Each Case Manager shall have no more than 30 customers. Incremental increases may be considered when the Case Manager demonstrates the capacity to competently provide case management services for Brain Injury Waiver cases. Subsequent to this determination, cases may be increased in increments of up to 15 cases. This capacity will be determined when the Case Manager maintains a competence rate of at least 98% for a period of at least three months at a full caseload size of 30 customers, using the process outlined in 89 Ill. Adm. Code CH. I and 686.1025(b).

d) Annually, each Case Manager shall receive at least 12 hours of in-service training. The training must be relevant to the provision of services to persons with brain injuries.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 686.1030 Monitoring and Liability

a) The HSP staff shall monitor the Case Manager to assure compliance with this Subpart by:

- 1) reviewing Provisional Case Managers as set forth in subsection (d) of this Section;
  - 2) reviewing, on an annual basis, a random sample of 10% of the cases handled in the preceding 12 months or two cases, whichever is greater; and
  - 3) visiting, at least annually, all contracting case management agencies.
- b) The HSP supervisory staff shall monitor the service plans of customers served by a Case Manager to ensure that:
- 1) The Case Manager is monitoring the customer's case by carrying out at least one ~~face-to-face--visit--and--two--other~~ contact ~~contacts~~ monthly;
  - 2) The Case Manager is reassessing the service plan at least every ~~six~~ **three** months;



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) Each of the reassessments undertaken by the Case Manager is complete and accurate;
- 4) Any amendments to the service plan are consistent with the findings of the reassessment;
- 5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's costs for nursing facility care); and
- 6) The service plan is approved by the customer's physician or neuro-psychologist.
- c) Liability
- 1) DHS is not liable for actions of the Case Manager and the Case Manager must agree to hold DHS harmless against any and all liability, loss, damage, costs or expenses arising from wrongful or negligent acts of the Case Manager.
- 2) The Case Management provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the Case Management provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.
- 3) The Case Management agency shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Arbitration Policies, Functions, and Procedures
- 2) Code Citation: 56 Ill. Adm. Code 110
- 3) Section Numbers: Proposed Action:  
 110.10 Amend  
 110.40 Amend  
 110.80 Repeal  
 110.130 Amend
- 4) Statutory Authority: Implementing and authorized by the Labor Arbitration Services Act [710 ILCS 10].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will update the regulations under the Labor Arbitration Services Act [710 ILCS 10], and adjust the Department of Labor's administration of the Act accordingly, including, but not limited to, updating incorporations by reference and increasing the administrative filing fee charged by the Illinois Arbitration Service, and increasing the per diem fee charged by arbitrators, except Department employees.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director  
 Illinois Department of Labor  
 One West Old State Capitol Plaza, Room 300  
 Springfield, Illinois 62701  
 (217) 782-1704 (telephone)  
 (217) 782-0596 (telefax)

A public hearing is scheduled on:

March 5, 2001, at 1:00 P.M.  
 Illinois Department of Labor

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all parties seeking arbitration services from the Department of Labor under the Labor Arbitration Services Act [710 ILCS 10] that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping, or other procedures required by compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULES

## PART 110

## ARBITRATION POLICIES, FUNCTIONS, AND PROCEDURES

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110.130	Reports and Biographical Sketches
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110.150	

**AUTHORITY:** Implementing and authorized by the Labor Arbitration Services Act [710 ILCS 10].

**SOURCE:** Adopted at 11 Ill. Reg. 11094, effective June 8, 1987; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 110.10 Scope and Authority**

This Part is issued by the Illinois Department of Labor under the Labor Arbitration Services Act [710 ILCS 10] ~~"AN ACT concerning the powers and duties of the Department of Labor regarding disputes between employers and employees or the bargaining representatives of such employees"~~ ~~Ill. Rev. Stat.: 1985, ch. 48, pars. 2301 et seq.~~ (the Act). The Part applies to all arbitrators listed on the Department's Illinois Arbitration Service (IAS) Roster of Arbitrators, to all applicants for listing on the Roster, and to all persons or parties seeking to obtain from IAS either names or panels of names of Arbitrators listed on the Roster in connection with disputes which are to be submitted to arbitration or fact-finding.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 110.40 Roster of Arbitrators; Admission and Retention**

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

a) The Roster: The IAS shall maintain a Roster of labor arbitrators consisting of persons who meet the criteria for listing contained in Section 110.50(a) and (b) and whose names have not been removed from the Roster in accordance with Section 110.50(b)(4).

b) Adherence to Standards and Requirements: Persons listed on the Roster shall comply and with this Part and with any written instructions or forms provided to them in accordance with Sections 110.70 through 110.150. Arbitrators are also expected to conform to the ethical standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor Management Disputes, as approved by the Joint Steering Committee of the National Academy of Arbitrators (May 30, 1996, no subsequent dates or editions). Copies are available at the Department of Labor's Springfield office. Copies may also be obtained at <<http://www.igc.org/naarb/ethics.html>>. ~~Date of Publication-11/30/74; Location of Publication-FMS7-2100-K-Street7 N-W-7-Washington-B-67-20427; this incorporation includes no later amendments or editions.~~

c) Status of Arbitrators: Persons who are listed on the Roster and are selected or appointed to hear arbitration matters or to serve as fact-finders do not become employees of the State of Illinois or the parties by virtue of their selection or appointment. Following selection or appointment, the arbitrator's relationship is solely with the parties to the dispute, except that arbitrators are subject to certain reporting requirements and to standards of conduct as set forth in this Section.

d) Role of IAS. IAS has no power to:

- 1) Compel parties to arbitrate or agree to arbitration;
- 2) Enforce an agreement to arbitrate;
- 3) Compel parties to agree to a particular arbitrator, except where the collective bargaining agreement indicates that IAS is to select and assign the particular panel rather than submit a roster and in the judgment of IAS the particular arbitrator assigned does not appear to be in a conflict of interest under either Section 110.50 or Section 110.60 of this Part.

e) Nominations and Panels: On request of the parties to an agreement to arbitrate or engage in fact-finding, or where arbitration or fact-finding may be provided for by statute, or as a court may request, IAS will provide a name or a panel of names drawn from the Roster. Where an agreement specifies only that the Service is to provide arbitration or an arbitrator, the Service shall designate one named arbitrator. The provision of a named arbitrator or a panel of arbitrators shall be without charge if pursuant to a request of court or if pursuant to a collective bargaining agreement or private employment agreement executed prior to July 1, 1987. In all other instances an application fee shall be charged as determined by the Director during the period during which the request is made to the Service pursuant to Section 110.130(a). Procedures for obtaining these services are in Section 110.70. Neither the submission of a

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

nomination or panel nor the appointment of an arbitrator constitutes a determination by IAS that an agreement to arbitrate or enter fact-finding proceedings exists; nor does such action constitute a ruling that the matter in controversy is arbitrable under any agreement.

f) Rights of Person Listed on the Roster: No person, including any employee of the Illinois Department of Labor, shall have any right to be listed or to remain listed on the Roster. The Department of Labor retains authority, ultimately subject to the Director's authority, to assure that the needs of the parties using its facilities are served. To accomplish this purpose it may establish procedures for the preparation of panels or the appointment of arbitrators or fact-finders which include consideration of such factors as background, experience, availability, acceptability to possible parties, geographical location and the expressed preferences of the parties. (Reference Section 110.90, Nominations and Designations of Arbitrators)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.80 Arbitrability (Repealed)

~~Where either party claims that a dispute is not subject to arbitration, the IAS will not decide the merit of the claim.~~

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.130 Fees and Charges of Arbitrators and the Service

a) Except for collective bargaining agreements executed prior to July 1, 1987, or stipulations to arbitrate executed prior to that date, an administrative filing fee is charged by the IAS. In instances of a joint request to arbitrate, the administrative fee (payable by two checks or one) is a total of \$20025. Where a request is made for a panel or designation of an arbitrator, the fee chargeable to that party is \$10012-50; a bill will be sent to the other party with the designation or panel list notification.

b) The current policy of the IAS permits each of its nominees or appointees to charge a per diem fee, except for Department of Labor employees, who will not charge for their services. All other nominees or appointees will be enabled to charge a per diem fee and other predetermined fees for services, the amount of which has been certified in advance to the IAS and is less than or equal to the maximum allowed by the IAS. The arbitrator's fees will be set forth on a biographical sketch which is sent to the parties when panels are submitted and are the controlling fees, if in compliance with the IAS



## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENTS

- limitations. The arbitrator shall not change any fee or add charges without giving at least ~~thirty~~-4 30+ days advance notice to the IAS.
- c) The IAS's maximum limitations are \$40~~23~~ an hour or \$200~~49~~ a day, applicable to each day of hearing and to up to and including two days of consideration and award writing, for the per diem fee. An arbitrator may charge in addition for the costs of phone calls, postage, and up to and including 30~~15~~¢ per page for copies. An arbitrator may charge for mileage at the rate of 32~~25~~¢ per mile, measured from either his stated location or a point of departure nearer the hearing in going to a hearing, or measured from the place of hearing to his stated location to the location or a nearer point of ending his journey, on return. Plane and train or bus fares may be charged on the basis of cost, in which a case copy of the receipt must be included in the statement of expenses and fees to the parties and the IAS, as must be car rental fees and motel fees and meals.
- d) The IAS requests that it be notified of any arbitrator's deviation from the policies expressed in this Section ~~herein~~. However, the IAS will not attempt to resolve any fee dispute.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action:  
510.200 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Effective May 1, 2000, the time frame for harness racing was increased from 30 to 60 days. This rulemaking eliminates the distinction between harness and thoroughbred racing.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  
  
Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017.
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Board at the time of

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

the most recent regulatory agendas.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## PART 510

## CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse (Repealed)
510.190	Determining Eligibility Dates
510.195	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	Claiming Price
510.250	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 510.200 Claimed Horse Racing Elsewhere**

- a) ~~For--harness--racing~~; No no claimed horse shall race at any other race track until the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter.
- b) ~~For--thoroughbred--racing~~; ~~no--claimed--horse--shall--race--at--any--other--race--track--until--the--close--of--the--race--meeting--at--which--it--was--claimed--or--for--60--days--whichever--is--shorter--~~
- bc) This Section shall not apply when claimed horses are fulfilling a stakes engagement or have the express written consent, of the race track where they were claimed, to race at another location.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Entries and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1312
- 3) Section Numbers: Proposed Action:  
1312.200 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking increases, by one starter, the number of horses allowed to start in overnight harness races. Racetracks are now capable of accommodating larger fields and more starters in a race equate to greater handle.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas



## ILLINOIS RACING BOARD

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because: The need for this rulemaking was not anticipated at that time.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

## PART 1312

## ENTRIES AND DECLARATIONS

Section	
1312.10	Entries
1312.20	Penalties
1312.30	Sale of Horse With Entrance Due
1312.40	Receipt of Entries
1312.50	Postage Meter
1312.60	Deviation From Published Conditions
1312.70	When Ineligible Horse Races
1312.80	Transfer of Ineligible Horse
1312.90	Withholding Purse When Ineligible Horse Races
1312.100	Early Closing and Late Closing Events
1312.110	Subsequent Payments
1312.120	Trust Funds
1312.130	Stable Space
1312.140	Limitation on Conditions
1312.150	Penalties
1312.160	Excess Entry Fees
1312.170	Entries and Starters Required
1312.180	Elimination Heats
1312.190	Elimination Plans
1312.200	Overnight Events
1312.210	Entry Box and Drawing of Horses
1312.220	Substitute Races
1312.230	Drivers
1312.240	Declaration and Withdrawing
1312.250	Qualifying Races
1312.260	Entry or Coupling
1312.265	Uncoupled Entries
1312.270	Husband-Wife Entries
1312.280	Also Eligibles
1312.290	Preference
1312.300	Stewards' List
1312.310	Medical Reasons for Ineligibility

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); amended July 12, 1974, filed July 22, 1974; amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed

## ILLINOIS RACING BOARD

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October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 15 Ill. Reg. 2727, effective February 5, 1991; amended at 24 Ill. Reg. 7390, effective May 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1312.200 Overnight Events**

Not more than 10 **nine** horses shall be allowed to start. No horse shall be entered in more than one event on the same program except where the conditions of the race provide that it shall be contested in two or more heats or dashes.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Numbers: Proposed Action:  
300.50(a) Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking increases, by one live race, the number of harness races which make up a single racing program. For the past several years, the Board has granted permission to Illinois racetracks conducting harness racing to card twelve races on Fridays, Saturdays and Sundays.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

for this rulemaking was not anticipated at that time.

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 300  
 PARI-MUTUELS

## Section

300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starters
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 7044, effective May 1, 1998; emergency amendment at 23 Ill. Reg. 7772, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13935, effective November 2, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 300.50 Pari-Mutuel Races

- a) Wagering shall be prohibited on more than 12 live harness races during the course of a single racing program, unless permission to wager on additional races has been granted by the Board.
- b) Wagering shall be prohibited on more than 10 live thoroughbred races during the course of a single racing program, unless permission to wager on additional races has been granted by the Board.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REVENUE

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## NOTICE OF PROPOSED AMENDMENTS

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1) Heading of the Part: Automobile Renting Occupation Tax

C) Types of professional skills necessary for compliance: None

2) Code Citation: 86 Ill. Adm. Code 180

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

3) Section Numbers:  
180.125 Proposed Action:  
180.135 Amendment

The full text of the Proposed Amendments begins on the next page:

4) Statutory Authority: 35 ILCS 155

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes technical corrections and includes provisions that allow a renter to provide the rentee's Retailers' Occupation Tax registration number, among other required information, in order to document that an auto rental transaction is an exempt rental for re-rental.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Persons making rentals for re-rentals under the Automobile Renting Occupation and Use Tax Act

B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 180  
AUTOMOBILE RENTING OCCUPATION TAX

## SUBPART A: NATURE OF THE TAX

Section  
180.101 Character And Rate Of The Tax  
180.105 Responsibility Of Trustees, Receivers, Executors Or Administrators  
180.110 Occasional Rental Transactions  
180.115 Habitual Rental Transactions

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS  
AND NONTAXABLE TRANSACTIONS

Section  
180.120 The Meaning of Gross Receipts  
180.125 Authorized Deductions from Gross Receipts  
180.130 Nontaxable Transactions  
180.135 Rentals for Re-rental

## SUBPART C: RETURNS

Section  
180.140 Monthly Tax Returns--When Due--Contents

## SUBPART D: INCORPORATION BY REFERENCE

Section  
180.145 Incorporation of Certain Retailers' Occupation Tax Regulations

AUTHORITY: Implementing the Automobile Renting Occupation and Use Tax Act [35 ILCS 155] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25]

SOURCE: Adopted and codified at 7 Ill. Reg. 9397, effective July 25, 1983; amended at 13 Ill. Reg. 9332, effective June 6, 1989; amended at 16 Ill. Reg. 4859, effective March 12, 1992; amended at 24 Ill. Reg. 12063, effective July 28, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS  
AND NON-TAXABLE TRANSACTIONS

## Section 180.125 Authorized Deductions from Gross Receipts

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## NOTICE OF PROPOSED AMENDMENTS

a) "Gross receipts" on which the Automobile Renting Occupation Tax must be computed do not include receipts from the following separately stated charges added to renters' billings:

- 1) charges added on account of the renter's duty to collect the Automobile Renting Use Tax from renters or passed on because of the rentor's liability under the Automobile Renting Occupation Tax or passed on because of the rentor's liability under Municipal, County, Regional Transportation Authority or Metro East Mass Transit District Automobile Renting Occupation Taxes;
  - 2) receipts from renters in consideration of waivers of claims for loss or damage to automobiles rented;
  - 3) receipts from separately stated charges for insurance;
  - 4) receipts from separately stated charges for recovery of refueling costs;
  - 5) receipts from any other separately stated charges which are not for the use of tangible personal property.
- b) "Effective July 20, 1999, "gross receipts" does not include receipts received by an automobile dealer from a manufacturer or service contract provider for the use of an automobile by a person while that person's automobile is being repaired by that automobile dealer and the repair is made pursuant to a manufacturer's warranty or a service contract where a manufacturer or service contract provider reimburses that automobile dealer pursuant to a manufacturer's warranty or a service contract and the reimbursement is merely made to recover the costs of operating the automobile as a loaner vehicle. [35 ILCS 155/2]

1) For example, an automobile dealer makes repairs for an automobile owner under the terms of a manufacturer's warranty. The manufacturer's warranty provides that the manufacturer will provide the owner with another automobile to drive while the owner's automobile is being repaired. Pursuant to the terms of an agreement between the manufacturer and the dealer, the dealer provides the owner with a replacement automobile either from its sales inventory or from its rental inventory. In exchange, the manufacturer compensates the dealer for that replacement automobile. However, under the terms of the agreement between the manufacturer and the dealer, that compensation is limited to an amount intended only to reimburse the dealer for the dealer's costs of operating the replacement automobile as a loaner vehicle. Compensation paid to a dealer by a manufacturer or service contract provider under these circumstances that merely reimburses the dealer for his cost of operating the replacement automobile as a loaner vehicle is not subject to the tax. However, if the dealer charges a customer amounts that exceed the compensation paid to him by the manufacturer or service contract provider as reimbursement for the cost of operating the replacement vehicle as a loaner vehicle, the excess receipts are subject to the tax.

A) Costs of operating the replacement automobile as a loaner

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

vehicle may include the cost of paperwork to issue the loaner vehicle or to receive reimbursement from ~~for~~ the manufacturer; time needed by the dealership employee to fill out the paperwork; preparing the loaner; giving keys to the customer; instructing the customer on use and when to return the loaner; depreciation of the loaner vehicle; cost of insurance on the loaner vehicle; needed time and materials used to clean the loaner vehicle when returned; and fueling and servicing the loaner vehicle.

B) In order to exclude receipts from a manufacturer or service contract provider that merely reimburse him for his costs of operating the replacement automobile as a loaner vehicle, a dealer must maintain books and records documenting such costs.

2) Sometimes, the dealer does not provide the owner with a replacement automobile from its own inventory. Rather, the automobile dealer rents an automobile from a separate automobile renter and then provides that automobile to the owner whose automobile is being repaired pursuant to the manufacturer's warranty. In this situation, the dealer's rental from the automobile renter is a non-taxable rental so long as all the requirements of Section 180.135 of this Part are satisfied. The dealer's subsequent provision of an automobile to the owner is non-taxable so long as the requirements of this subsection (b) are satisfied.

3) If an owner rents an automobile from an automobile renter that is not the dealer making the repairs to his automobile, the exclusion set out in this subsection (b) is not available. In addition:

A) The exclusion does not apply even though the dealer reimburses the owner for the rental.

B) The exclusion does not apply even though the automobile renter is a separate entity related to the automobile dealer. For example, if one person operates an automobile dealership as one corporation and an automobile rental business as a separate corporation, the procedure set out in subsection (b)(2) must be followed in order for the exclusion to apply.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 180.135 Rentals for Re-rental

a) Rental receipts from rental transactions under lease terms of one year or less in which the rentee will act as a sub-rentor by re-renting the automobile to a sub-rentee under lease terms of one year or less are exempt from the Automobile Renting Occupation Tax.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

b) In order to document that an auto rental transaction is an exempt rental for re-rental, the rentor must have among his records a Certificate of Automobile Re-rental from the rentee (sub-rentor) which contains the following information:

- 1) a ~~ta~~ short statement by the rentee that the automobile is being rented for the purpose of re-renting it to others (sub-rentees) under lease terms of one year or less;
- 2) the rentor's name and address;
- 3) the rentee's name and address;
- 4) the rentee's signature and date of signing;
- 5) the Vehicle Identification Number(s) of the automobile(s) rented for re-rental;
- 6) the rentee's Automobile Renting Occupation Tax or Retailers' Occupation Tax registration number issued by the Illinois Department of Revenue.

A) However, in the case of an out-of-State rentee (sub-rentor) who is not required to be so registered in Illinois, a certification that he will always re-rent and deliver the automobile(s) to his sub-rentee(s) outside Illinois pursuant to a rental agreement entered into outside Illinois may be provided in lieu of an Illinois Automobile Renting Occupation Tax registration number.

B) Except in the case of an out-of-State rentee (sub-rentor) not required to be registered who will re-rent and deliver outside Illinois, no rental shall be made tax-free on the ground of being a rental for re-rental unless the rentee (sub-rentor) has an active registration number from the Department and furnishes that number to the rentor as part of the Certificate of Automobile Re-rental.

c) If all of the automobiles rented under lease terms of one year or less to a particular rentee will be re-rented by that rentee (sub-rentor) to others (sub-rentees) under lease terms of one year or less, the rentor may take a blanket Certificate of Automobile Re-rental from that rentee (sub-rentor). Where a blanket Certificate of Automobile Re-rental is accepted, the rentor must maintain a record of all automobiles by Vehicle Identification Number rented tax-free on the basis of that blanket Certificate of Automobile Re-rental.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: Proposed Action:

1600.140	New
1600.150	New
1600.151	New
1600.152	New
1600.153	New
1600.154	New
1600.155	New
1600.156	New
1600.157	New
1600.158	New
1600.159	New
1600.160	New
1600.161	New
1600.162	New
1600.163	New

4) Statutory Authority: Implementing and authorized by 40 ILCS 5/15-177

5) A Complete Description of the Subjects and Issues Involved:

Section 1600.140 -- Rule implementing Preliminary Estimated Payments

Subpart B, Sections 1600.150-1600.163 -- Rules implementing Qualified Illinois Domestic Relations Orders

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Interested persons may submit written comments and views to:

Dan Slack, General Counsel  
State Universities Retirement System  
P.O. Box 2710

## STATE UNIVERSITIES RETIREMENT SYSTEM

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Champaign IL 61825-2710  
(217) 378-8800

All comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations effected: SURS believes that this rulemaking will not impose any direct impact on small businesses, small municipalities, or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

## PART 1600

## UNIVERSITIES RETIREMENT

## SUBPART A: MISCELLANEOUS PROCEDURES

Section	Definitions
1600.10	Dependency of Beneficiaries
1600.20	Crediting Interest on Employee Contributions and Other Reserves
1600.30	Election to Make Contributions Covering Leave of Absence at Less Than
1600.40	50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded
	Certification as a Participant
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement
1600.140	Making Preliminary Estimated Payments

## SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	Definitions
1600.150	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.151	Curing Minor Deficiencies
1600.152	Filing a QILDRO with the System
1600.153	Modified QILDROS
1600.154	Benefits Affected by a QILDRO
1600.155	Effect of a Valid QILDRO
1600.156	QILDROS Against Persons Who Became Members Prior to July 1, 1999
1600.157	Alternative Payee's Address
1600.158	Electing Form of Payment
1600.159	Automatic Annual Increases
1600.160	Expiration of a QILDRO
1600.161	Reciprocal Systems QILDRO Policy Statement
1600.162	Providing Benefit Information for Divorce Purposes
1600.163	

## APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

## STATE UNIVERSITIES RETIREMENT SYSTEM

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SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: MISCELLANEOUS PROCEDURES

## Section 1600.140 Making Preliminary Estimated Payments

- a) The State Universities Retirement System of Illinois (SURS) shall make a Preliminary Estimated Payment (PEP) to members who qualify for a retirement annuity and file an application for that annuity. The purpose of a PEP is to provide members with some of their retirement income while their retirement claim is still being processed.
- b) The amount of the PEP shall be based on the highest applicable Rule described in Section 15-136 [40 ILCS 5/15-136].
- c) The PEP calculation will not consider unverified current year earnings, nor unverified current year vacation payments, nor unverified additional credit for unused and unpaid sick leave, nor unverified Reciprocal credits, nor Early Retirement Option payments, nor additional service credit purchased after the application for retirement annuity has been received by SURS. Applicable taxes and insurance premiums will be deducted from the PEP.
- d)
  - 1) If the application for retirement annuity is received at least 90 days before the member's effective retirement date, the PEP will be paid on the first working day of the month following the effective date of the annuity. It will be paid each month until the retirement claim is finalized.
  - 2) If the application for retirement annuity, or the decision of the member under subsection (d)(3), is received less than 90 days before the member's effective retirement date, the PEP will be paid as soon as practicable. It will be paid each month until the retirement claim is finalized.
  - 3) If the member is entitled to the election under Section 15-135.1 of the Illinois Pension Code [40 ILCS 5/15-135.1], the member must first make or decline that election before a PEP can be calculated.
- e) Amount of Payment. SURS shall pay a PEP amount pursuant to the following calculations:
  - 1) If the member has Reciprocal Service Credit, SURS will apply Rule



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2. (see 40 ILCS 5/15-136).
- A) If in a Reciprocal case Rule 1 is estimated to be highest, SURS will pay 100% of the Rule 2 amount.
  - B) If in a Reciprocal case Rule 2 is estimated to be highest, SURS will pay 80% of the Rule 2 amount.
- 2) If the member has no Reciprocal credits, SURS will pay 90% of the estimated Rule 1 amount or 90% of the estimated Rule 2 amount, whichever is higher.
- 3) If the member qualifies under P.A. 91-0395, SURS will pay 100% of the estimated Rule 2 amount.
- 4) If the member qualifies under Section 15-136.3 of the Illinois Pension Code [40 ILCS 5/15-136.3], SURS will pay the higher of \$75 per month or 100% of the estimated Rule 2 amount.
- 5) If the member qualifies for a retirement annuity under Rule 4, SURS will pay 90% of the Rule 4 amount.
- 6) If the member applies for a retirement annuity under Rule 4 but the years of service as a Police/Firefighter have not yet been verified by staff, SURS will pay 90% of the Rule 2 amount.
- f) Once the retirement claim has been finalized, the member will receive a check for the difference between the PEP payments and the actual monthly benefit amount that is due him or her, retroactive to the effective date of the member's annuity, without interest. If the PEP payments result in an overpayment, SURS will recover the overpaid benefit from future benefits, without interest.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section 1600.150 Definitions

- a) The definitions in Section 1-119(a) of the Illinois Pension Code (the Act) [40 ILCS 5/1-119(a)] shall apply to the rules contained in this Subpart.
- b) The phrase "alternative payee" in Section 1-119(a)(1) of the Act means a current spouse, former spouse, child, or other dependent of a SURS member, as designated in a QILDRO.
- c) The phrase "death benefit" in Section 1-119(a)(2) of the Act means a benefit paid pursuant to Section 15-141 or 15-142 of the Act [40 ILCS 5/15-141, 15-142].
- d) The phrase "member's refund" in Section 1-119(a)(5) of the Act does not include an "error refund" as defined in subsection (e) of this Section.
- e) The phrase "error refund" as used in this Subpart means a refund paid to a member as the result of an error in a payment to the System.
- f) The phrase "disability benefit" in Section 1-119(a)(3) of the Act includes:

## STATE UNIVERSITIES RETIREMENT SYSTEM

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- 1) A disability benefit under Section 15-150 of the Act [40 ILCS 5/15-150]; or
  - 2) A disability retirement annuity under Section 15-153.2 of the Act [40 ILCS 5/15-153.2].
- g) The phrase "member's retirement benefit" as used in this Subpart means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.
- h) The phrase "partial member's refund" as used in this Subpart includes:
- 1) A refund of survivor benefit contributions;
  - 2) A refund of excess contributions or interest; or
  - 3) A refund of waived service credit.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order

The State Universities Retirement System (SURS) will accept a court order as a valid Qualified Illinois Domestic Relations Order, or QILDRO, that meets all of the following requirements:

- a) The order must be accompanied by a \$50 non-refundable processing fee, by check or money order payable to the State Universities Retirement System.
- b) If the order applies to a person who became a SURS member before July 1, 1999, it must be accompanied by the original Consent to Issuance of the QILDRO form signed by the member, or a certified copy of the original. The consent cannot be signed by a judge, sheriff, or any person other than the member.
- c) The order must be a certified copy of the original.
- d) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such property distribution.
- e) The order must contain the name, residence address, and Social Security number of the member.
- f) The order must contain the name, residence address, and Social Security number of the alternative payee.
- g) The order must identify the State Universities Retirement System as the retirement system to which it is directed.
- h) The order must identify the court that issued it.
- i) The order must specify the dollar amount of the benefit and/or refund payable to the alternative payee. Percentages or formulas are not permissible. The order may specify a termination date or total amount that, when paid out, terminates the QILDRO.
- j) The order must apply only to benefits that are statutorily subject to

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- QILDROs, as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].
- k) The order and, if applicable, the Consent to Issuance of QILDRO, must be in the form adopted by SURS as of the date the order is received. Any alterations will invalidate the order.
- l) The effective date of the order must be after July 1, 1999.
- m) The order must designate whether the alternative payee will receive automatic annual increases.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.152 Curing Minor Deficiencies

- a) An order containing one or more deficiencies listed in subsection (b) of this Section may be corrected and resubmitted within 60 days after the date SURS sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Section as the cure period.
- b) Only the following deficiencies may be corrected during the cure period:
- 1) The order is not accompanied by a \$50 non-refundable processing fee, by check made payable to the State Universities Retirement System, or else the check does not clear.
  - 2) The order is not a certified copy of the original.
  - 3) The order omits the residence address or Social Security number of the member or the alternative payee.
  - 4) The order contains an inaccurate residence address or Social Security number of the member or the alternative payee.
  - 5) The order contains a misspelled name of the member or the alternative payee.
  - 6) The order applies to a person who became a SURS member before July 1, 1999, and is not accompanied by the original, or certified copy of a, valid Consent to Issuance of QILDRO signed by the member, or the consent form is not in the form adopted by SURS.
  - 7) The order does not designate whether the alternative payee will receive automatic annual increases or similar periodic adjustments.
  - 8) Any other deficiency deemed by SURS, in its sole discretion, to be of a minor nature.
- c) If SURS receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment, SURS will hold the portion of the benefit payable to the alternative payee during the cure period until either:
- 1) SURS determines that all deficiencies have been corrected during the cure period; or
  - 2) The cure period expires and one or more deficiencies have not

## STATE UNIVERSITIES RETIREMENT SYSTEM

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- been corrected.
- d) If SURS determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.
- e) If the cure period expires and SURS determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the member.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.153 Filing a QILDRO with the System

- a) A QILDRO should be sent to the SURS Member Services Division, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.
- b) A QILDRO will be deemed received by SURS on the date it is received at the SURS office.
- c) Within 30 calendar days after receiving a QILDRO, SURS will review it and notify the member and each alternative payee by first-class mail that it has received the QILDRO, and whether it is a valid order. If SURS determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.154 Modified QILDROs

- a) A QILDRO that has been modified by the issuing court must be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each modified QILDRO.
- b) A modified QILDRO will hold the same priority of payment that the original QILDRO held, as long as it does not increase the amount (other than cost-of-living adjustment) of any benefit payable to the alternative payee or affect a different benefit.
- c) If a modified QILDRO does increase the amount or affect different benefits (other than cost-of-living adjustment), it will lose the priority held by the original QILDRO and payment will be based on the date SURS received the modified QILDRO.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.155 Benefits Affected by a QILDRO

- a) A QILDRO may apply only to the following benefits administered by

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SURS:

- 1) A monthly retirement benefit;
  - 2) A single-sum retirement benefit;
  - 3) A termination refund; and
  - 4) A partial member's refund.
- b) If a QILDRO specifies a dollar amount payable to an alternative payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternative payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.
- c) A QILDRO shall not apply to any of the following:
- 1) A death benefit;
  - 2) A survivor benefit;
  - 3) A disability benefit;
  - 4) A disability retirement annuity; and
  - 5) An error refund.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.156 Effect of a Valid QILDRO

- a) After SURS has determined that a QILDRO is valid, one of the following will occur:

- 1) If the member has not yet begun receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first affected benefit payment begins; or
  - 2) If the member is already receiving benefits subject to the QILDRO, payment to the alternative payee will begin with the first payment occurring at least 30 days after the QILDRO was received by SURS.
- b) If a member has applied for a refund that has not yet been vouchered when SURS receives a QILDRO that purports to apply to the refund, SURS will hold the refund until the court clarifies whether the QILDRO applies to the pending refund payment. It is the member's or alternative payee's responsibility to obtain clarification from the court and to notify SURS of the court's clarification.
- c) If a refund payment has already been vouchered when SURS receives a QILDRO that applies to the refund, the QILDRO shall not be effective against that refund.
- d) "Vouchered" as used in this Section means the check has been processed and printed.
- e) If a benefit is subject to multiple QILDROs, the QILDROs will be satisfied, to the extent that the benefit is not exhausted, in the order in which the QILDROs were received by the System.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999

- a) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a QILDRO that applies to a person who became a SURS member prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. A consent form signed by a judge in lieu of the member is invalid.
- b) If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.
- c) The Consent to Issuance of QILDRO must be in the form adopted by SURS as of the date the QILDRO is received; otherwise it will be deemed invalid. The required consent form is available from SURS upon request.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.158 Alternative Payee's Address

- a) An alternative payee is responsible to report to SURS, in writing, each change in his or her name and residence address.
- b) When a member's retirement benefit or refund subject to a QILDRO becomes payable, SURS will send notice to the alternative payee's last known address that the benefit or refund is payable. Beyond that, SURS shall have no duty to take any other action to locate an alternative payee.
- c) If the notice is returned undelivered, SURS will hold the amount payable to the alternative payee, as provided in Section 1-119(e)(2) of the Act [40 ILCS 5/1-119(e)(2)] for 180 days from the date SURS sent the notice or 180 days from the date the benefit becomes payable, whichever is later. The amount held will not bear interest.
- d) If SURS is notified of the alternative payee's current address within 180 days, SURS will release the amount held to the alternative payee. If SURS does not learn of the alternative payee's current address within 180 days, SURS will release the amount held to the member.
- e) If SURS later learns of the alternative payee's current address, SURS will implement the QILDRO but the alternative payee will have no right to any amounts already paid to the member.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1600.159 Electing Form of Payment

- a) A member whose benefit is subject to a QILDRO may not elect a form of payment that would diminish the amount payable to the alternative



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payee, unless the alternative payee has consented to such election in writing, as provided in Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].

- b) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the Act.
- c) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act.
- d) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternative payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act.
- e) If there is some question as to whether an election would diminish the amount payable to an alternative payee, SURS may hold the election until clarification is obtained from a court of competent jurisdiction. It shall be the duty of the member or alternative payee to obtain clarification.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1600.160 Automatic Annual Increases**

- a) The alternative payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 15-136 of the Act [40 ILCS 5/15-136], according to the designation in the QILDRO.
- b) Except as provided in subsection (c) of this Section, the initial increase in the amount due the alternative payee under the QILDRO is payable with the next succeeding increase due the member after the date the QILDRO first took effect.
- c) If the QILDRO first takes effect in the same month the member's benefit is increased, the alternative payee's initial increase is not payable until the next increase in the member's benefit.
- d) SURS will calculate the amount of any increase payable to the alternative payee under the QILDRO.
- e) The amount of any increase payable to the alternative payee (other than any increase resulting from the member's initial automatic annual increase) is the percentage of increase due the member under Section 15-136 of the Act [40 ILCS 5/15-136], multiplied by the alternative payee's monthly benefit as of the date of the increase.
- f) The amount of any increase payable to the alternative payee resulting from the member's initial automatic increase is the percentage of increase due the member under Section 15-136 of the Act [40 ILCS 5/15-136], multiplied by the alternative payee's monthly benefit as of the date of the increase, multiplied by a fraction, the numerator of which is the number of months elapsed between the effective date of the QILDRO and the date the initial increase becomes payable, and the

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denominator of which is the number of months elapsed between the date of retirement and the date the initial increase becomes payable.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1600.161 Expiration of a QILDRO**

- a) A QILDRO expires upon the death of the alternative payee. The right to receive the affected benefit will then revert to the member.
- b) A QILDRO expires upon the death of the member.
- c) A QILDRO expires when the member takes a refund that terminates his or her participation in SURS. This is true even if the member's refund is paid to an alternative payee. A QILDRO that expires because the member took a refund is not renewed by his or her subsequent return to SURS membership.
- d) If a retired member returns to work, the QILDRO payments may be suspended. If so, the payments will resume when the member retires again.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1600.162 Reciprocal Systems QILDRO Policy Statement**

It is the policy of SURS to administer QILDROs in a manner consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the Reciprocal Systems QILDRO Policy Statement). To the extent that there is any conflict between this Part and the Reciprocal Systems QILDRO Policy Statement, this Part shall control.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1600.163 Providing Benefit Information for Divorce Purposes**

- a) Within 45 days after receiving a subpoena or request from a member, SURS will provide a statement for divorce purposes regarding the value of a member's retirement benefit through the last completed academic year for which data are on file with SURS.
- b) Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on file with SURS.
- c) Information provided by SURS for divorce purposes does not reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.
- d) Information provided by SURS for divorce purposes reflects the member's total service career for which service credit in SURS has



## STATE UNIVERSITIES RETIREMENT SYSTEM

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- e) accrued, and is not isolated as to the marital period only. SURS does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.
- f) While SURS makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing SURS.
- g) SURS does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- |     |   |  |
|-----|---|--|
| 1)  | <u>Heading of the Part:</u>   | Pay Plan   |
| 2)  | <u>The Code Citation:</u>   | 80 Ill. Adm. Code 310  |
| 3)  | <u>Section Numbers:</u>   | <u>Adopted Action:</u>   |
|     | 310.100   | Amend  |
|     | 310.110   | Amend  |
|     | 310.130   | Amend  |
|     | 310.290   | Amend  |
|     | 310.490   | Amend  |
|     | 310.530   | Amend  |
|     | 310.540   | Amend  |
|     | APPENDIX B  | Amend  |
|     | APPENDIX C  | Amend  |
|     | APPENDIX D  | Amend  |
|     | APPENDIX G  | Amend  |
| 4)  | <u>Statutory Authority:</u>   | Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].                        |
| 5)  | <u>Effective Date of Amendments:</u>  | January 4, 2001  |
| 6)  | <u>Does this rulemaking contain an automatic repeal date?</u>   | No   |
| 7)  | <u>Do these amendments contain incorporations by reference?</u>   | No   |
| 8)  | <u>A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.</u> |  |
| 9)  | <u>Notice of Proposal Published in the Illinois Register:</u>   | July 14, 2000; 24 Ill. Reg. 10030; Notice of Correction to Proposed Amendment at 24 Ill. Reg. 11061. |
| 10) | <u>Has JCAR issued a Statement of Objection to these amendments?</u>  | No   |
| 11) | <u>Differences between proposal and final version?</u>  | None   |
| 12) | <u>Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?</u>   | Yes  |
| 13) | <u>Will these amendments replace emergency amendments currently in effect?</u>  | No   |
| 14) | <u>Are there any proposed amendments pending on this Part?</u>  | Yes  |

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
310.280	Amend	24 Ill. Reg. 14844



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2001 2000
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay	State of
TABLE A	HR-190 (Department of Central Management Services - SEIU) Illinois Building - SEIU)	
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)	
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)	
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)	
TABLE D	HR-001 (Teamsters Local #726)	
TABLE E	RC-020 (Teamsters Local #330)	
TABLE F	RC-019 (Teamsters Local #25)	
TABLE G	RC-045 (Automotive Mechanics, IFPE)	
TABLE H	RC-006 (Corrections Employees, AFSCME)	
TABLE I	RC-009 (Institutional Employees, AFSCME)	
TABLE J	RC-014 (Clerical Employees, AFSCME)	
TABLE K	RC-023 (Registered Nurses, INA)	
TABLE L	RC-008 (Boilermakers)	
BLE M	RC-110 (Conservation Police Lodge)	
BLE N	RC-010 (Professional Legal Unit, AFSCME)	
BLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)	
BLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)	
BLE Q	RC-033 (Meat Inspectors, IFPE)	
BLE R	RC-042 (Residual Maintenance Workers, AFSCME)	
BLE S	HR-012 (Fair Employment Practices Employees, SEIU)	
BLE T	HR-010 (Teachers of Deaf, IFT)	
BLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)	
BLE V	CU-500 (Corrections, Meet and Confer Employees)	
BLE W	RC-062 (Technical Employees, AFSCME)	

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BLE X	RC-063 (Professional Employees, AFSCME)
BLE Y	RC-063 (Educators, AFSCME)
BLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal
APPENDIX C	Medical Administrator Rates for Fiscal Year 2001 2000
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2001 2000
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001 2000

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, effective February 2, 1993; amended at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December



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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

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effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg.

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 effective JAN 11, 2001

SUBPART A: NARRATIVE

## Section 310.100 Other Pay Provisions

- a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.
- b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1c of the salary grade.
  - 1) Qualifications above Minimum Requirements --
    - A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.
    - B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1c entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.
  - 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
  - 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the

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month following date of approval.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 2) Overtime Pay --

- A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

- B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

- 3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal

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work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
  - d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.
  - e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
  - f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.
- AGENCY NOTE -- The method to be used in computing the lump sum payment for accrued vacation, sick leave\* and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.
- \*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick days earned and retained during that time period.
- g) Salary Treatment Upon Return From Leave -- An employee returning from

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Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2001 2000

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2001 2000.

(Source: Amended at 25 Ill. Reg. 811 effective JAN 14 2001)

Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 2000 1999.

(Source: Amended at 25 Ill. Reg. 811 effective JAN 14 2001)

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title

	Range Effective Fiscal Year 2001 2000
Foreign Service Economic Development Executive I	3574-6578 3455-6160
Foreign Service Economic Development Executive II	4579-8623 4424-8083
Foreign Service Economic Development Representative	3037-5475 2936-5280
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2387-4133 2307-3993 2699-4672 2600-4514
Office Assistant (Foreign Service)	1939-2576 1824-2461
Office Associate	

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Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

h) Salary Treatment Upon Reemployment --

- 1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

j) Extended Service Payment --

- 1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten years of service and have three years of creditable service on Step 7 in the same pay grade.
- 2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen years of service and have three years of creditable service on Step 7 in the same pay grade.

k) Bi-Lingual Pay -- Effective July 1, 2000 1995, individual positions whose job descriptions require the use of sign language, or a second language or Braille shall receive an additional 5% or \$100.00 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 25 Ill. Reg. 811 effective JAN 14 2001)



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(States Other Than California and New Jersey) (CA, NJ)	2065-2790 1950-2675 <u>2335-3154</u> 2205-3024
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	2140-2906 2025-2791 <u>2419-3285</u> 2209-3155
Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	3202-7005 3094-6767 <u>3619-7918</u> 3497-7649
Revenue Auditor I (States Other Than California and New Jersey) (CA, NJ)	2875-4081 2760-3943 <u>3250-4614</u> 3120-4450
Revenue Auditor II (States Other Than California and New Jersey) (CA, NJ)	3332-4823 3217-4660 <u>3766-5452</u> 3636-5260
Revenue Auditor III (States Other Than California and New Jersey) (CA, NJ)	3715-5417 3509-5234 <u>4199-6123</u> 4057-5916
Revenue Auditor Trainee (States Other Than California and New Jersey) (CA, NJ)	2415-3330 2300-3215 <u>2730-3765</u> 2600-3635
Revenue Tax Specialist I (States Other Than California and New Jersey) (CA, NJ)	2415-3330 2300-3215 <u>2730-3765</u> 2600-3635
Revenue Tax Specialist II (States Other Than California and New Jersey) (CA, NJ)	2631-3686 2516-3562 <u>2974-4167</u> 2844-4026
Revenue Tax Specialist Trainee (States Other Than California and New Jersey) (CA, NJ)	2218-3036 2103-2921 <u>2508-3432</u> 2378-3302
Senior Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	4413-10368 4263-10018 <u>4988-11721</u> 4819-11324 81 } effective

(Source: Amended at 25 Ill. Reg. JAN 04 2001)

SUBPART C: MERIT COMPENSATION SYSTEM

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## Section 310.490 Other Pay Provisions

- a) Transfer -- Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Salary -- Normally upon entry to state service, an employee's base salary will be at the minimum salary of the salary range.
- 1) Qualifications above Minimum Requirements --
- A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.
- B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.
- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.
- 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.
- c) Differential and Overtime Pay -- An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:
- 1) Shift Differential Pay -- An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of



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other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay -- The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.

- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section

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310.520(a) of the Merit Compensation System.

AGENCY NOTE: The method to be used in computing lump sum payment for vacation, sick leave\* and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.

\*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick days earned and retained during that time period.

- g) Salary Treatment Upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

- h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

- i) Extra Duty Pay -- An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- j) Salary Treatment Upon Reemployment --

- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of

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the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

- k) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

- l) Bilingual Pay -- Effective July 1, 2000 1995, individual positions whose job descriptions require the use of sign language, or a second language or Braille shall receive an additional 5% or \$100-00 per month, whichever is greater, in addition to the employee's base rate.

- m) Clothing or Equipment Allowance -- An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended at 25 Ill. Reg. 811.5 effective  
JAN 03 2001)

## Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year 2001 2000 will continue as set forth in Appendix D of the Pay Plan.  
b) The Merit Increase Guidechart for Fiscal Year 2001 2000 as set forth in Section 310.540 of the Pay Plan.

(Source: Amended at 25 Ill. Reg. 811.5 effective  
JAN 03 2001)

## Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2001 2000

Category	Definition	Increase
Category 1	Exceptional	0% to 5%+\$125
Category 2	Accomplished	0% to 3%+\$125
Category 3	Acceptable	0% to 3%

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Category 4 Unacceptable \$0  
(Source: Amended at 25 Ill. Reg. 811.5 effective  
JAN 03 2001)

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## Section 310.APPENDIX B Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2001 2000

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1	1463	1504	1546	1589	1635	1677	1722	1774	1818	1898
2	1505	1547	1590	1635	1677	1722	1776	1824	1872	1953
3	1543	1586	1631	1677	1722	1777	1827	1876	1927	2021
4	1584	1629	1675	1722	1777	1831	1880	1941	1990	2088
5	1635	1681	1728	1777	1833	1891	1948	2002	2058	2155
6	1686	1734	1783	1833	1892	1950	2014	2073	2137	2240
7	1740	1789	1840	1892	1953	2019	2084	2149	2217	2330
8	1796	1847	1899	1953	2024	2093	2169	2235	2308	2426
9	1861	1914	1968	2024	2096	2174	2249	2329	2405	2527
10	1929	1984	2041	2099	2186	2261	2343	2423	2506	2640
11	2010	2067	2126	2187	2273	2354	2445	2533	2615	2756
12	2100	2160	2222	2286	2378	2464	2563	2651	2749	2896
13	2187	2250	2315	2381	2476	2578	2679	2776	2879	3040
14	2288	2354	2422	2492	2594	2698	2815	2918	3029	3205
15	2385	2454	2525	2598	2713	2826	2938	3057	3171	3361
16	2500	2572	2646	2722	2844	2969	3094	3222	3351	3549
17	2617	2693	2771	2851	2984	3122	3253	3384	3522	3732
18	2753	2833	2915	3000	3147	3293	3442	3584	3727	3949
19	2897	2982	3071	3163	3325	3481	3643	3796	3955	4194
20	3059	3152	3246	3343	3511	3675	3849	4016	4181	4437
21	3230	3328	3427	3529	3710	3890	4072	4257	4434	4710

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22	3414	3517	3623	3731	3925	4118	4311	4511	4700	4991
23	3623	3731	3843	3958	4168	4381	4588	4800	5009	5323
24	3854	3970	4089	4212	4436	4667	4892	5118	5349	5684
25	4108	4231	4358	4489	4735	4984	5233	5482	5731	6099

Schedule of Salary Grades (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 2001

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1a	1504	1546	1589	1634	1681	1724	1771	1824	1870	1952
2a	1547	1590	1635	1681	1724	1771	1826	1876	1925	2009
3a	1586	1631	1677	1724	1771	1827	1879	1929	1982	2079
4a	1629	1675	1722	1771	1827	1883	1933	1996	2047	2148
5a	1681	1728	1777	1827	1885	1945	2003	2059	2117	2217
6a	1734	1783	1833	1885	1946	2006	2071	2132	2198	2304
7a	1789	1840	1892	1946	2009	2077	2144	2210	2281	2397
8a	1847	1899	1953	2009	2082	2153	2231	2299	2374	2496
9a	1914	1968	2024	2082	2156	2236	2313	2396	2474	2600
10a	1984	2041	2099	2159	2249	2326	2410	2493	2578	2716
11a	2067	2126	2187	2250	2338	2422	2515	2606	2690	2836
12a	2160	2222	2286	2352	2446	2535	2637	2728	2828	2981
13a	2250	2315	2381	2449	2547	2652	2756	2856	2962	3131
14a	2354	2422	2492	2564	2669	2776	2896	3005	3121	3302
15a	2454	2525	2598	2673	2791	2908	3025	3150	3266	3461
16a	2572	2646	2722	2801	2926	3058	3187	3318	3452	3656
17a	2693	2771	2851	2934	3073	3215	3350	3486	3628	3844

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<u>18a</u>	<u>2833</u>	<u>2915</u>	<u>3000</u>	<u>3091</u>	<u>3242</u>	<u>3392</u>	<u>3546</u>	<u>3692</u>	<u>3839</u>	<u>4067</u>
<u>19a</u>	<u>2982</u>	<u>3071</u>	<u>3163</u>	<u>3258</u>	<u>3425</u>	<u>3585</u>	<u>3753</u>	<u>3910</u>	<u>4074</u>	<u>4320</u>
<u>20a</u>	<u>3152</u>	<u>3246</u>	<u>3343</u>	<u>3443</u>	<u>3616</u>	<u>3786</u>	<u>3965</u>	<u>4136</u>	<u>4307</u>	<u>4571</u>
<u>21a</u>	<u>3328</u>	<u>3427</u>	<u>3529</u>	<u>3635</u>	<u>3822</u>	<u>4006</u>	<u>4194</u>	<u>4384</u>	<u>4567</u>	<u>4852</u>
<u>22a</u>	<u>3517</u>	<u>3623</u>	<u>3731</u>	<u>3843</u>	<u>4043</u>	<u>4241</u>	<u>4440</u>	<u>4646</u>	<u>4841</u>	<u>5141</u>
<u>23a</u>	<u>3731</u>	<u>3843</u>	<u>3958</u>	<u>4077</u>	<u>4293</u>	<u>4513</u>	<u>4726</u>	<u>4944</u>	<u>5159</u>	<u>5482</u>
<u>24a</u>	<u>3970</u>	<u>4089</u>	<u>4212</u>	<u>4339</u>	<u>4570</u>	<u>4807</u>	<u>5039</u>	<u>5271</u>	<u>5509</u>	<u>5855</u>
<u>25a</u>	<u>4231</u>	<u>4358</u>	<u>4489</u>	<u>4623</u>	<u>4877</u>	<u>5133</u>	<u>5390</u>	<u>5647</u>	<u>5903</u>	<u>6282</u>

## Maximum Security Institutions Schedule

Effective July 1, 2000

Salary Grade	Step 1a	Step 1b	Step 1c	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
<u>1m</u>	<u>1555</u>	<u>1598</u>	<u>1641</u>	<u>1685</u>	<u>1733</u>	<u>1776</u>	<u>1822</u>	<u>1876</u>	<u>1921</u>	<u>2003</u>
<u>2m</u>	<u>1599</u>	<u>1642</u>	<u>1686</u>	<u>1733</u>	<u>1776</u>	<u>1822</u>	<u>1878</u>	<u>1927</u>	<u>1977</u>	<u>2060</u>
<u>3m</u>	<u>1638</u>	<u>1682</u>	<u>1728</u>	<u>1776</u>	<u>1822</u>	<u>1879</u>	<u>1930</u>	<u>1981</u>	<u>2033</u>	<u>2130</u>
<u>4m</u>	<u>1680</u>	<u>1726</u>	<u>1774</u>	<u>1822</u>	<u>1879</u>	<u>1934</u>	<u>1985</u>	<u>2048</u>	<u>2098</u>	<u>2199</u>
<u>5m</u>	<u>1733</u>	<u>1780</u>	<u>1828</u>	<u>1879</u>	<u>1936</u>	<u>1996</u>	<u>2055</u>	<u>2111</u>	<u>2168</u>	<u>2268</u>
<u>6m</u>	<u>1785</u>	<u>1835</u>	<u>1885</u>	<u>1936</u>	<u>1997</u>	<u>2057</u>	<u>2123</u>	<u>2184</u>	<u>2250</u>	<u>2356</u>
<u>7m</u>	<u>1841</u>	<u>1891</u>	<u>1944</u>	<u>1997</u>	<u>2060</u>	<u>2128</u>	<u>2195</u>	<u>2262</u>	<u>2332</u>	<u>2448</u>
<u>8m</u>	<u>1898</u>	<u>1951</u>	<u>2004</u>	<u>2060</u>	<u>2133</u>	<u>2204</u>	<u>2283</u>	<u>2351</u>	<u>2426</u>	<u>2547</u>
<u>9m</u>	<u>1965</u>	<u>2020</u>	<u>2076</u>	<u>2133</u>	<u>2207</u>	<u>2288</u>	<u>2365</u>	<u>2447</u>	<u>2526</u>	<u>2651</u>
<u>10m</u>	<u>2035</u>	<u>2092</u>	<u>2151</u>	<u>2210</u>	<u>2300</u>	<u>2377</u>	<u>2462</u>	<u>2544</u>	<u>2630</u>	<u>2768</u>
<u>11m</u>	<u>2119</u>	<u>2178</u>	<u>2238</u>	<u>2301</u>	<u>2390</u>	<u>2473</u>	<u>2567</u>	<u>2657</u>	<u>2742</u>	<u>2887</u>
<u>12m</u>	<u>2212</u>	<u>2273</u>	<u>2337</u>	<u>2403</u>	<u>2498</u>	<u>2586</u>	<u>2688</u>	<u>2779</u>	<u>2880</u>	<u>3034</u>
<u>13m</u>	<u>2301</u>	<u>2366</u>	<u>2433</u>	<u>2501</u>	<u>2599</u>	<u>2704</u>	<u>2808</u>	<u>2908</u>	<u>3016</u>	<u>3185</u>

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<u>14m</u>	<u>2405</u>	<u>2473</u>	<u>2543</u>	<u>2615</u>	<u>2720</u>	<u>2827</u>	<u>2948</u>	<u>3057</u>	<u>3173</u>	<u>3354</u>
<u>15m</u>	<u>2505</u>	<u>2576</u>	<u>2649</u>	<u>2724</u>	<u>2843</u>	<u>2959</u>	<u>3079</u>	<u>3202</u>	<u>3319</u>	<u>3515</u>
<u>16m</u>	<u>2624</u>	<u>2698</u>	<u>2774</u>	<u>2852</u>	<u>2979</u>	<u>3112</u>	<u>3240</u>	<u>3372</u>	<u>3506</u>	<u>3708</u>
<u>17m</u>	<u>2744</u>	<u>2822</u>	<u>2903</u>	<u>2986</u>	<u>3127</u>	<u>3269</u>	<u>3404</u>	<u>3540</u>	<u>3681</u>	<u>3898</u>
<u>18m</u>	<u>2884</u>	<u>2966</u>	<u>3054</u>	<u>3143</u>	<u>3295</u>	<u>3446</u>	<u>3599</u>	<u>3745</u>	<u>3893</u>	<u>4120</u>
<u>19m</u>	<u>3035</u>	<u>3125</u>	<u>3217</u>	<u>3311</u>	<u>3479</u>	<u>3638</u>	<u>3806</u>	<u>3964</u>	<u>4127</u>	<u>4373</u>
<u>20m</u>	<u>3204</u>	<u>3300</u>	<u>3397</u>	<u>3496</u>	<u>3659</u>	<u>3839</u>	<u>4018</u>	<u>4190</u>	<u>4360</u>	<u>4623</u>
<u>21m</u>	<u>3380</u>	<u>3481</u>	<u>3583</u>	<u>3689</u>	<u>3875</u>	<u>4059</u>	<u>4248</u>	<u>4438</u>	<u>4620</u>	<u>4905</u>
<u>22m</u>	<u>3570</u>	<u>3675</u>	<u>3785</u>	<u>3897</u>	<u>4095</u>	<u>4295</u>	<u>4493</u>	<u>4699</u>	<u>4895</u>	<u>5194</u>
<u>23m</u>	<u>3785</u>	<u>3897</u>	<u>4012</u>	<u>4130</u>	<u>4346</u>	<u>4565</u>	<u>4779</u>	<u>4998</u>	<u>5213</u>	<u>5536</u>
<u>24m</u>	<u>4023</u>	<u>4143</u>	<u>4265</u>	<u>4393</u>	<u>4622</u>	<u>4860</u>	<u>5092</u>	<u>5325</u>	<u>5563</u>	<u>5908</u>
<u>25m</u>	<u>4285</u>	<u>4411</u>	<u>4543</u>	<u>4677</u>	<u>4931</u>	<u>5186</u>	<u>5443</u>	<u>5700</u>	<u>5956</u>	<u>6335</u>
Salary Grade	1a	1b	1c	1	2	3	4	5	6	7
<u>1</u>	<u>1363</u>	<u>1404</u>	<u>1446</u>	<u>1489</u>	<u>1535</u>	<u>1577</u>	<u>1622</u>	<u>1674</u>	<u>1718</u>	<u>1798</u>
<u>2</u>	<u>1405</u>	<u>1447</u>	<u>1490</u>	<u>1535</u>	<u>1577</u>	<u>1622</u>	<u>1676</u>	<u>1724</u>	<u>1772</u>	<u>1853</u>
<u>3</u>	<u>1443</u>	<u>1486</u>	<u>1531</u>	<u>1577</u>	<u>1622</u>	<u>1677</u>	<u>1727</u>	<u>1776</u>	<u>1827</u>	<u>1921</u>
<u>4</u>	<u>1484</u>	<u>1529</u>	<u>1575</u>	<u>1622</u>	<u>1677</u>	<u>1731</u>	<u>1780</u>	<u>1841</u>	<u>1890</u>	<u>1980</u>
<u>5</u>	<u>1535</u>	<u>1581</u>	<u>1628</u>	<u>1677</u>	<u>1733</u>	<u>1791</u>	<u>1848</u>	<u>1902</u>	<u>1958</u>	<u>2055</u>
<u>6</u>	<u>1586</u>	<u>1634</u>	<u>1683</u>	<u>1733</u>	<u>1792</u>	<u>1850</u>	<u>1914</u>	<u>1973</u>	<u>2037</u>	<u>2140</u>
<u>7</u>	<u>1640</u>	<u>1689</u>	<u>1740</u>	<u>1792</u>	<u>1853</u>	<u>1919</u>	<u>1984</u>	<u>2049</u>	<u>2117</u>	<u>2230</u>
<u>8</u>	<u>1696</u>	<u>1747</u>	<u>1799</u>	<u>1853</u>	<u>1924</u>	<u>1993</u>	<u>2069</u>	<u>2135</u>	<u>2200</u>	<u>2326</u>
<u>9</u>	<u>1761</u>	<u>1814</u>	<u>1868</u>	<u>1924</u>	<u>1996</u>	<u>2074</u>	<u>2149</u>	<u>2229</u>	<u>2305</u>	<u>2427</u>
<u>10</u>	<u>1829</u>	<u>1884</u>	<u>1941</u>	<u>1999</u>	<u>2086</u>	<u>2161</u>	<u>2243</u>	<u>2323</u>	<u>2406</u>	<u>2540</u>
<u>11</u>	<u>1910</u>	<u>1967</u>	<u>2026</u>	<u>2087</u>	<u>2173</u>	<u>2254</u>	<u>2345</u>	<u>2433</u>	<u>2515</u>	<u>2656</u>



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12	2000	2060	2122	2186	2270	2364	2463	2551	2649	2796
13	2007	2150	2215	2281	2376	2478	2579	2676	2779	2937
14	2100	2254	2322	2392	2494	2590	2715	2810	2927	3097
15	2205	2354	2425	2498	2613	2726	2830	2954	3064	3247
16	2400	2472	2546	2622	2744	2869	2989	3113	3230	3429
17	2517	2593	2671	2751	2883	3016	3143	3270	3403	3606
18	2653	2733	2815	2899	3041	3182	3326	3463	3601	3815
19	2797	2881	2967	3056	3213	3363	3420	3568	3821	4052
20	2956	3045	3136	3230	3392	3551	3719	3880	4040	4287
21	3121	3215	3311	3410	3505	3750	3934	4113	4284	4551
22	3299	3390	3500	3605	3792	3979	4165	4350	4541	4822
23	3500	3605	3713	3824	4027	4233	4433	4638	4840	5143

Schedule of Salary Grades - Alternative Retirement Formula - only - Monthly Rates  
of Pay for Fiscal Year 2000

Salary Grade	Step 1a	Step 1b	Step 1c	Step 1d	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1a	1404	1446	1489	1534	1581	1624	1671	1724	1770	1852
2a	1447	1490	1535	1581	1624	1671	1726	1776	1825	1909
3a	1486	1531	1577	1624	1671	1727	1779	1829	1882	1979
4a	1529	1575	1622	1671	1727	1783	1833	1896	1947	2046
5a	1581	1628	1677	1727	1785	1845	1903	1959	2017	2117
6a	1634	1683	1733	1785	1846	1906	1971	2032	2090	2204
7a	1689	1740	1792	1846	1909	1977	2044	2110	2181	2297
8a	1747	1799	1853	1909	1982	2053	2131	2199	2274	2396
9a	1814	1868	1924	1982	2056	2136	2213	2296	2374	2500

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

10a	1804	1941	1999	2059	2149	2226	2310	2393	2478	2616
11a	1967	2026	2087	2150	2230	2322	2415	2506	2590	2736
12a	2060	2122	2186	2252	2346	2435	2537	2620	2720	2880
13a	2150	2215	2281	2349	2447	2552	2656	2756	2862	3025
14a	2254	2322	2392	2464	2569	2676	2796	2903	3015	3190
15a	2354	2425	2498	2573	2691	2808	2923	3043	3156	3344
16a	2472	2546	2622	2701	2826	2955	3079	3206	3335	3532
17a	2593	2671	2751	2834	2969	3106	3237	3368	3505	3714
18a	2733	2815	2899	2986	3132	3277	3426	3567	3709	3929
19a	2881	2967	3056	3148	3309	3464	3626	3778	3936	4174
20a	3045	3136	3230	3327	3494	3650	3831	3996	4161	4416
21a	3215	3311	3410	3512	3693	3871	4052	4236	4413	4688
22a	3398	3500	3605	3713	3906	4090	4290	4489	4677	4967
23a	3605	3713	3824	3939	4148	4360	4566	4777	4985	5297

Maximum Security Institutions Schedule  
Effective July 1, 1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 1d	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1m	1455	1498	1541	1585	1633	1676	1722	1776	1821	1903
2m	1499	1542	1586	1633	1676	1722	1770	1827	1877	1960
3m	1538	1582	1628	1676	1722	1779	1830	1881	1933	2030
4m	1580	1626	1674	1722	1779	1834	1885	1940	1998	2099
5m	1633	1680	1728	1779	1836	1896	1955	2011	2068	2168
6m	1685	1735	1785	1836	1897	1957	2023	2084	2150	2256
7m	1741	1791	1844	1897	1960	2020	2095	2162	2232	2340

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

8m	1798	1851	1904	1960	2033	2104	2183	2251	2326	2447
9m	1865	1928	1976	2033	2107	2188	2265	2347	2426	2551
10m	1935	1992	2051	2110	2200	2277	2362	2444	2530	2668
11m	2019	2078	2138	2201	2290	2373	2467	2557	2642	2787
12m	2112	2173	2237	2303	2398	2486	2588	2679	2780	2931
13m	2201	2266	2333	2401	2499	2604	2708	2808	2914	3077
14m	2305	2373	2443	2515	2620	2727	2848	2954	3066	3241
15m	2405	2476	2549	2624	2743	2859	2975	3094	3207	3396
16m	2524	2598	2674	2752	2870	3007	3130	3258	3387	3583
17m	2644	2722	2803	2885	3021	3158	3289	3420	3557	3766
18m	2784	2866	2951	3037	3184	3329	3477	3618	3761	3981
19m	2932	3019	3108	3199	3361	3515	3677	3830	3987	4225
20m	3096	3188	3282	3378	3545	3709	3882	4048	4213	4467
21m	3266	3363	3462	3564	3744	3922	4104	4288	4464	4739
22m	3449	3551	3657	3765	3957	4158	4341	4540	4729	5018
23m	3657	3765	3876	3990	4199	4411	4617	4829	5037	5349

(Source: Amended at 25 Ill. Reg. 817 effective  
JAN 1 2001)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 2001 2000

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	7516	9144	10772
Medical Administrator I, Option D	8393	10067	11741
Medical Administrator II, Option C	8122	9780	11438
Medical Administrator II, Option D	9326	11057	12788
Medical Administrator III	9658	11555	13452
Medical Administrator IV	9814	11711	13608
Medical Administrator V	9972	11871	13770
Medical-Administrator-I, --Option-E	7262	8835	10487
Medical-Administrator-I, Option-B	8109	9726	11343
Medical-Administrator-II, --Option-E	7847	9449	11051
Medical-Administrator-II, --Option-B	9011	10769	12355
Medical-Administrator-III	9331	11164	12997
Medical-Administrator-IV	9482	11315	13148
Medical-Administrator-V	9635	11469	13383

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended at 25 Ill. Reg. 817 effective  
JAN 1 2001)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310. APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2001 2000

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	1990	2697	3404
MC 02	2076	2835	3594
MC 03	2176	3000	3824
MC 04	2275	3140	4005
MC 05	2388	3323	4258
MC 06	2510	3492	4474
MC 07	2641	3701	4761
MC 08	2784	3927	5070
MC 09	2943	4146	5349
MC 10	3108	4414	5720
MC 11	3283	4687	6091
MC 12	3486	5001	6516
MC 13	3723	5346	6969
MC 14	3982	5740	7498
MC 15	4274	6153	8032
MC 16	4575	6611	8647
MC 17	4937	7135	9333
MC 18	5321	7445	9569
MC 19	5747	7769	9791
ME-01	1923	2606	3209
ME-02	2066	2739	3472

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

ME-03	2102	2898	3694
ME-04	2198	3034	3878
ME-05	2307	3213	4119
ME-06	2425	3374	4323
ME-07	2552	3576	4600
ME-08	2690	3794	4898
ME-09	2843	4005	5167
ME-10	3003	4265	5527
ME-11	3172	4520	5884
ME-12	3360	4832	6296
ME-13	3597	5165	6733
ME-14	3847	5545	7243
ME-15	4129	5944	7759
ME-16	4420	6387	8354
ME-17	4770	6893	9016
ME-18	5141	7193	9245
ME-19	5559	7506	9459

(Source: Amended at 25 Ill. Reg. effective January 1, 2001)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310 APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001 2000

Title	Minimum Salary	Maximum Salary
Human Resources Representative	2076	4005
Human Resources Specialist	2388	4761
Public Service Administrator	2784	6091
Residential Services Supervisor	2076	4005
Senior Public Service Administrator	3837	9016
Site Superintendent	2388	4761
Human-Resources-Representative	2006	3870
Human-Resources-Specialist	2307	4600
Public-Service-Administrator	2690	5984
Residential-Services-Supervisor	2006	3870
Senior-Public-Service-Administrator	3707	8711
Site-Superintendent	2307	4600

(Source: Amended at 25 Ill. Reg. 31 effective 1-1-00)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Placement and Visitation Services2) Code Citation: 89 Ill. Adm. Code 3013) Section Numbers: 301.90  
Adopted Action:  
Amend4) Statutory Authority: The Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].5) Effective Date of Amendments: January 5, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 21, 2000, 24 Ill. Reg. 647310) Has JCAR issued a Statement of Objection to this amendment? No11) Differences between proposal and final version: The only changes made are those editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, will be made by the Department in the adopted rulemaking.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect?  
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: Prior to March 27, 2000, relatives of a child in placement could be licensed as foster parents with fewer hours of training than non-relatives seeking licensure. This amendment eliminates the additional training requirements for non-relatives seeking licensure as foster parents.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62701-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: cfpolicy@idcfs.state.il.us

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 301

## PLACEMENT AND VISITATION SERVICES

Section	Purpose (Renumbered)
301.1	Definition (Repealed)
301.2	Foster Care Placement Goal (Renumbered)
301.3	Plans to Achieve This Goal (Renumbered)
301.4	

## SUBPART A: PLACEMENT SERVICES

Section	Purpose
301.10	Definitions
301.20	Introduction
301.30	Legal Authority to Place
301.40	Emergency Placement
301.50	Placement Selection Criteria
301.60	Sibling Placement
301.70	Relative Home Placement
301.80	Foster Family Home Care
301.90	Residential Care
301.100	Care in a Medical/Psychiatric Facility
301.110	Sharing Appropriate Information with the Caregiver
301.120	Medical Examinations for Children in Placement
301.130	Education of Children While in Placement
301.140	

## SUBPART B: VISITATION SERVICES

Section	Purpose
301.200	Family-Child Visitation
301.210	Sibling Visitation
301.220	Contact Among Siblings Placed Apart
301.230	Grandparents Visitation
301.240	

## SUBPART C: FOSTER CARE PLACEMENT GOAL

Section	Purpose
301.310	Foster Care Placement Goal
301.320	Plans to Achieve This Goal
301.330	Criminal Convictions which Prevent Placement of Children with Relatives
APPENDIX A	

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:  
121.58 Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendment: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14126
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 121.58 (i)6), struck "1-6" and added "(1)-(6)".  
In Section 121.58 i)7), changed "When" to "when".  
In Section 121.58 i)7), changed "asset, disregard.See" to "asset disregard (see".  
In Section 121.58 i)7), changed the period to ");".  
In Section 121.58 i)8), changed "the" to "the".  
In Section 121.58 i)9), changed "the" to "the".  
In Section 121.58 i)10), changed "Property" to "property".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841-1-6, effective JAN 05 2001.

SUBPART A: PLACEMENT SERVICES

Section 301.90 Foster Family Home Care

- a) Foster family home care is provided in licensed foster family homes for children who cannot remain in the home and who can benefit from a family structure of care. The Department shall have legal responsibility for the child before the child is placed in a foster family home. The home shall have received a license or permit under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, before it receives children for foster care payment.
- b) Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.
- c) ~~in--addition--to--the--training--required--for--licensure--under--Section 402-12(i)-of--89--Ill--Adm--Code-402--licensing--Standards--for--Foster Family--Homes,--foster--parents--must--receive--additional--training--on content--approved--by--the--Department--in--order--to--care--for--children unrelated--to--them-~~

(Source: Amended at 25 Ill. Reg. 841-1-6, effective JAN 05 2001)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.60	Amendment	24 Ill. Reg. 15405,10/20/00
121.61	Amendment	24 Ill. Reg. 15405,10/20/00
121.63	Amendment	24 Ill. Reg. 15405,10/20/00
121.64	Amendment	24 Ill. Reg. 15405,10/20/00

- 15) Summary and Purpose of Amendments: This rulemaking is the result of an approved waiver to provide better service to households with a reduction of case errors. This change will allow vehicles of low equity value to be exempt from consideration as an asset. It will benefit households who need transportation to achieve self-sufficiency that are currently ineligible because they own a vehicle of high fair market value.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of adopted amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

## Section

- 121.1 Application for Assistance  
121.2 Time Limitations on the Disposition of an Application  
121.3 Approval of an Application and Initial Authorization of Assistance  
121.4 Denial of an Application  
121.5 Client Cooperation  
121.6 Emergency Assistance  
121.7 Expedited Services  
121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.18 Work Requirement  
121.19 Ending a Voluntary Quit Disqualification (Repealed)  
121.20 Citizenship  
121.21 Residence  
121.22 Social Security Numbers  
121.23 Work Registration/Participation Requirements  
121.24 Individuals Exempt From Work Registration Requirements  
121.25 Failure to Comply with Work Provisions  
121.26 Period of Sanction  
121.27 Voluntary Job Quit/Reduction in Work Hours  
121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours  
121.29 Exemptions from Voluntary Quit/Reduction in Work Hour Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.30 Unearned Income  
121.31 Exempt Unearned Income  
121.32 Education Benefits  
121.33 Unearned Income In-Kind  
121.34 Lump Sum Payments and Income Tax Refunds  
121.40 Earned Income  
121.41 Budgeting Earned Income  
121.50 Exempt Earned Income  
121.51 Income from Work/Study/Training Programs  
121.52 Earned Income from Roomer and Boarder

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.53 Income From Rental Property  
 121.54 Earned Income In-Kind  
 121.55 Sponsors of Aliens  
 121.57 Assets  
 121.58 Exempt Assets  
 121.59 Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

## Section

121.60 Net Monthly Income Eligibility Standards  
 121.61 Gross Monthly Income Eligibility Standards  
 121.62 Income Which Must Be Annualized  
 121.63 Deductions From Monthly Income  
 121.64 Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

## Section

121.70 Composition of the Assistance Unit  
 121.71 Living Arrangement  
 121.72 Nonhousehold Members  
 121.73 Ineligible Household Members  
 121.74 Strikers  
 121.75 Students  
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -  
 Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section

121.80 Fraud Disqualification (Renumbered)  
 121.81 Initiation of Administrative Fraud Hearing (Repealed)  
 121.82 Definition of Fraud (Renumbered)  
 121.83 Notification To Applicant Households (Renumbered)  
 121.84 Disqualification Upon Finding of Fraud (Renumbered)  
 121.85 Court Imposed Disqualification (Renumbered)  
 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)  
 121.91 Monthly Reporting (Repealed)  
 121.92 Retrospective Budgeting  
 121.93 Issuance of Food Stamp Benefits  
 121.94 Replacement of the EBT Card or Food Stamp Benefits  
 121.95 Restoration of Lost Benefits  
 121.96 Uses For Food Coupons  
 121.97 Supplemental Payments  
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System  
 121.105 State Food Program (Repealed)  
 121.107 New State Food Program

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children  
 121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic  
 Treatment Centers  
 121.145 Quarterly Reporting

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.177 Illinois Works Component  
 121.178 Job Training Component  
 121.179 JTPA Employability Services Component  
 121.180 Grant Diversion Component (Repealed)  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program  
 (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and  
 Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 Failure to Make Payment in Accordance with Repayment Schedule  
 (Recodified)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## 121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

- Section
- 121.220 Work Requirement Components
- 121.221 Meeting the Work Requirement with the Earnfare Component
- 121.222 Volunteer Community Work Component
- 121.223 Work Experience Component
- 121.224 Supportive Service Payments to Meet the Work Requirement
- 121.225 Meeting the Work Requirement with the Illinois Works Component
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17988; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845 Effective JAN 01 2001.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.58 Exempt Assets

- a) Homestead Property
  - 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
  - 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, remain exempt if the household intends to return.
  - 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.
- b) Personal Property
 

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual or individuals.
- c) Income Producing Property
  - 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
  - 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one year period beginning on the date such member ceases to be self-employed in farming.
  - 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by subsection (c)(1) of this Section.
- d) Disaster Relief Payments
 

Disaster relief payments provided by federal, state or government or a disaster assistance organization.
- e) Inaccessible Assets

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price,
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent,
- 6) non-liquid asset or assets (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets,
- 7) monies received from the Social Security Administration under the PASS Program that are held in a separate account, or
- 8) an asset ~~assets~~ if when sold or otherwise disposed of would net the household less than \$1000 (or less than \$1500 if there is a person age 60 or older in the household). The net is determined by subtracting the expenses of disposing of the property from the equity value. This does not apply to ~~vehicles~~<sup>7</sup> negotiable financial instruments or stocks and bonds.

## f) Prorated Income

Money which has been prorated as income, such as income of self-employed persons or students.

## g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

## h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

## i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
- 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
- 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
- 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);
- 5) used as the household's home;
- 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

\*Agency Note: Exclusions (1)-(6) 1-6 also apply when the vehicle is not in use because of temporary unemployment.

- 7) when the equity value is less than 1/2 of the household's asset disregard (see Section 121.59 for the asset disregards);
  - 87) ~~the~~ The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use;
  - 98) ~~the~~ The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption; and
  - 109) property Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) of this Section.
- j) Assets of an AFDC or SSI household member  
All assets of a household member who receives AFDC or SSI benefits.

(Source: Amended at 25 Ill. Reg. 345 effective 1/15/11)

DEPARTMENT OF LABOR  
NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Day Labor Services Act
- 2) Code Citation: 56 Ill. Adm. Code 260
- 3) Section Numbers: Proposed Action:  
260.310 Amended
- 4) Statutory Authority: Implementing and authorized by Section 45 of the Day Labor Services Act [820 ILCS 175/45].
- 5) Effective Date of amendments: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13486 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 260.310 to provide that administrative hearings under Part 260 will be conducted under 56 Ill. Adm. Code 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300



## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 56: LABOR AND EMPLOYMENT

## CHAPTER I: DEPARTMENT OF LABOR

## SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

## PART 260

## DAY LABOR SERVICES ACT

## SUBPART A: GENERAL PROVISIONS

Section  
260.100 Definitions

Section  
260.200 Registration  
260.210 Content of Application to Register  
260.220 Expiration and Renewal of Registration  
260.230 Registration Fee

## SUBPART B: REGISTRATION PROCESS

## SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section  
260.300 Suspension or Revocation  
260.310 Hearings  
260.320 Considerations in Reaching a Decision

AUTHORITY: Implementing and authorized by Section 45 of the Day Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 25 Ill. Reg. 3565, effective ~~1/1/01~~ 1/1/00.

## SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

## Section 260.310 Hearings

- a) Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing, at which time the day labor service agency shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120 60-~~111~~ Adm.-Code-680-236.

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 3565 - 1 effective ~~1/1/01~~ 1/1/00)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: 350.195  
Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].
- 5) Effective Date of Amendments: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1349 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 350.195 to provide that administrative hearings under Part 350 will be conducted under 56 Ill. Adm. Code 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:  

William Rolando, Deputy Director  
Illinois Department of Labor

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Section Numbers: Adopted Action:  
250.715 Amended
- 4) Statutory Authority: Implementing and authorized by the Child Labor Law [820 ILCS 205].
- 5) Effective Date of Amendments: January 3, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13494 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 250.715 to provide that administrative hearings under Part 250 will be conducted under 56 Ill. Adm. Code 120.

16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

## PART 250

## ILLINOIS CHILD LABOR LAW

## SUBPART A: DEFINITIONS

Section	
250.100	Definition of the Act
250.105	Definitions
250.110	Minor (Repealed)
250.115	Agriculture (Repealed)
250.120	Week (Repealed)
250.125	Work (Repealed)
250.130	Time Record (Repealed)
250.135	Premises (Repealed)
250.140	Suffer (Repealed)
250.145	Garage (Repealed)
250.150	Employer and All Interested Parties (Repealed)

## SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section	
250.200	Employers Subject to the Act
250.205	Minors Assisting Employees of Tax Supported School Lunch Programs
250.210	Movie Theaters
250.215	Car Wash
250.220	Employment in or about Airfields
250.225	Office and Ice Cream Dispensing Equipment
250.230	Enclosed, Self-sealing Automatic Dishwashers
250.235	Power Driven Machinery
250.240	Exhibition Park or Place of Amusement
250.245	Employment in Establishments Selling Package Liquors
250.250	Shopping Malls and Similar Structures Containing Two or More Buildings
250.255	Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.260	Employment of Minors as Models
250.265	Parent/Guardian Required Presence at Performance
250.270	Non-Resident Minor Seeking Employment

## SUBPART C: HOURS OF EMPLOYMENT

Section	
250.300	Number of Days Employment Limit

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

250.305	Applying for a Section 8.1(b) Work Hours Waiver
250.310	Issuance of a Section 8.1(b) Work Hours Waiver
250.315	Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

## SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section	
250.400	Issuing Officers are responsible for:

## SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section	
250.500	The Employer shall:

## SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section	
250.600	Revocation of Employment Certificates; Civil Penalty Assessments

## SUBPART G: HEARING PROCESS

Section	
250.700	Procedure and Time Table for Suspension or Revocation of Employment Certificates
250.705	Procedure for Child Labor Penalty Assessment
250.710	Assessing Penalties
250.715	Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

## SUBPART H: EMPLOYER VIOLATIONS

Section	
250.800	Minimum Age
250.805	Hours of Work
250.810	Meal Period
250.815	Posting of Hours
250.820	Time Record
250.825	Hazardous Occupations
250.830	Minor Under Sixteen Appearing in Theatrical Productions
250.835	Employment Certificate Required
250.840	Duties of Employers
250.845	Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
250.850	Parent/Guardian Not Present at Performance
250.855	Minors Under Sixteen Appearing in Television or Motion Picture Productions

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

250.860 Minors: Athletic or Acrobatic Activity and Stunts

**AUTHORITY:** Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205/16].

**SOURCE:** Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 20 Ill. Reg. 6449, effective April 29, 1996; emergency amendment at 24 Ill. Reg. 17850, effective November 30, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 864, effective JAN 03 2001.

## SUBPART G: HEARING PROCESS

**Section 250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties**

The Department shall conduct administrative hearings for all contested cases involving the revocation of employment certificates and the final determination of civil penalties pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] (~~Ill.-Rev.--Stat.-1991-ch-127-pars-1001-1-seq-7~~) and to 56 Ill. Adm. Code 120 60-III--Adm--Code-680-290.

(Source: Amended at 25 Ill. Reg. 864, effective JAN 03 2001.)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Minimum Wage Law

2) Code Citation: 56 Ill. Adm. Code 210

3) Section Numbers: Adopted Action:  
210.1050 Amended

4) Statutory Authority: Implementing and authorized by the Minimum Wage Law [820 ILCS 105].

5) Effective Date of amendments: January 5, 2001

6) Does this rulemaking contain an automatic repeal by reference? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13499 (Sept. 8, 2000)

10) Has JCAR Issued a Statement of Objection to these amendments? No

11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 210.1050 to provide that administrative hearings under Part 210 will be conducted under 56 Ill. Adm. Code 120.

16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telex)

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210  
MINIMUM WAGE LAW

1

## SUBPART A: GENERAL PROVISIONS

Section  
210.100  
210.110  
210.120  
210.130  
210.140  
210.150  
210.160

Application of the Act  
Definitions  
The Use of Federal Definitions of Various Terms  
Length of Coverage for an Employer  
Uniforms  
Forbidden Activity Covered by Other Laws  
Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM WAGE ALLOWANCE  
FOR GRATUITIES

Section  
210.200

Meals and Lodging

## SUBPART C: SEX DISCRIMINATION

Section  
210.300

Sex Discrimination

## SUBPART D: OVERTIME

Section  
210.400  
210.410  
210.420  
210.430  
210.440

Determining Workweek for Overtime  
Exclusions from the Regular Rate  
Regular Rate of Pay for Determination of Overtime  
Methods of Computing Overtime  
Overtime-General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY  
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

Section  
210.500  
210.510

Application for a License to Employ an Individual with a Disability  
at a Wage Less than the Minimum Wage Rate  
Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE  
LESS THAN THE MINIMUM WAGE RATE

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

## Section

210.600 General Provisions  
210.610 Application to Employ a Learner  
210.620 Employing More Than One Learner  
210.630 Basic Learner Training Requirements  
210.640 Student Learners in Work Study Programs

## SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

## Section

210.700 Contents of Records  
210.710 Identification of Learner or Individual with a Disability  
210.720 Minimum Records of Gratuities  
210.730 Records Kept Outside of the Business Premises  
210.740 Notice to Employers - Copies of the Act and Rules and Regulations

## SUBPART H: INSPECTION PROCEDURE

## Section

210.800 Investigations  
210.810 Investigation Procedures  
210.820 Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE  
ON INSPECTION RESULTS

## Section

210.900 Request for Review by Employer Subject to an Inspection  
210.910 Petition to Intervene by Employee or Former Employee Covered by an Inspection  
210.920 Convening an Informal Investigative Conference  
210.925 Continuances of Informal Investigative Conference  
210.930 Application of the Rules of Evidence - Pleadings and Procedures in an Investigative Conference  
210.940 Attorney and Witnesses in Investigative Conference  
210.950 Contumacious Conduct in Investigative Conference  
210.960 Telephone Conference  
210.970 Request for Review

## SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

## Section

210.1000 Assessment and Notice of Underpayment, Penalties, and Punitive Damages  
210.1010 Employer Conduct Deemed Wilful  
210.1020 Uncontested Payment of Underpayments, Penalties, and Punitive Damages  
210.1030 Exception to Notice of Underpayments, Penalties, and Punitive

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

## Damages

210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages  
210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by the Minimum Wage Law [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. 15312, effective November 15, 1996; amended at 25 Ill. Reg. 869-2-3 effective JAN 12 2001.

## SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

## Section 210.1050 Final Determination of Penalties and Punitive Damages

If the Director finds no merit to a properly filed "Exception of Underpayment, Penalties, and Punitive Damages", or if no payment is forthcoming on either an uncontested or modified finding of underpayment, penalties, and punitive damages, a final determination on the amount of penalties and punitive damages shall be made in an administrative hearing pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and 56 Ill. Adm. Code 120.60 [11-Adm-Code-600-230].

(Source: Amended at 25 Ill. Reg. 869-2-3 effective JAN 12 2001)



## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nurse Agency Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 690
- 3) Section Numbers: Adopted Action:  
690.190 Amended
- 4) Statutory Authority: Implementing and authorized by the Nurse Agency Licensing Act [225 ILCS 510].
- 5) Effective Date of Amendment: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13504 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objections to this amendment? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 690.190 to provide that administrative hearings under Part 690 will be conducted under the Department's proposed rules at 56 Ill. Adm. Code 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
William Rolando, Deputy Director  
Illinois Department of Labor

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF LABOR  
NOTICE OF ADOPTED AMENDMENTS

Code-680-2307.  
(Source: Amended at 25 Ill. Reg. 87 2/1 effective )

DEPARTMENT OF LABOR  
NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER III: DEPARTMENT OF LABOR

PART 690  
NURSE AGENCY LICENSING ACT

- Section 690.10 Delegation of Authority
- 690.20 Definitions
- 690.30 Licensure
- 690.40 Contents of Application
- 690.50 Fee Schedule
- 690.60 Expiration and Renewal
- 690.70 Standards For Operation of an Agency
- 690.80 Application for Employment, Assignment, or Referral
- 690.90 Prerequisites for Employment, Assignment, or Referral
- 690.100 Evaluation Forms
- 690.120 Conditions of Employment, Assignment and Referral
- 690.130 Reporting Changes in Management and Stockholders
- 690.140 Transfer of Ownership
- 690.150 Inspections and Records
- 690.160 Complaints and Investigations
- 690.170 Denial of Initial License
- 690.180 Denial of Renewal or Revocation of License
- 690.190 Hearings
- 690.200 Considerations in Reaching a Decision
- 690.210 Fines
- 690.220 Subpoena
- 690.230 Determination
- 690.240 Administrative Review

AUTHORITY: Implementing and authorized by the Nurse Agency Licensing Act [225 ILCS 510].

SOURCE: Adopted at 14 Ill. Reg. 12516, effective July 23, 1990; amended at 25 Ill. Reg. 87 4 7/00 effective 7/00.

Section 690.190 Hearings

- a) Before denying any application or refusing to renew a license, revoking or suspending a license, or imposing a fine, the Department shall notify the applicant or licensee in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than fourteen (14) days from the date of such mailing, at which time the applicant or licensee shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and subject to the Departmental hearing rules at 56 Ill. Adm. Code 120 (68-1117-Adm-1).

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations Relating to the Operation of Private Employment Agencies

2) Code Citation: 68 Ill. Adm. Code 680

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.100	Repealed
680.120	Repealed
680.130	Repealed
680.140	Repealed
680.200	Amended
680.230	Repealed

- 4) Statutory Authority: Implementing and authorized by the Private Employment Agency Act [225 ILCS 515].

5) Effective Date of Amendment: January 5, 2001

- 6) Does this rulemaking contain an automatic repeal by reference? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13508 (Sept. 8, 2000)

- 10) Has JCAR Issued a Statement of Objections to these amendments? No

- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace emergency rulemaking currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: The rulemaking: (a) repeals outdated references to the Illinois Human Rights Act and the Illinois Human Rights Commission; (b) updates statutory citations; and (c) repeals the procedural rules for administrative hearings contained in section 680.230. This is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules at 56 Ill. Adm. Code 120.

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER III: DEPARTMENT OF LABOR

PART 680

RULES AND REGULATIONS RELATING TO  
THE OPERATION OF PRIVATE EMPLOYMENT AGENCIES

SUBPART A: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS SEEKING  
REVOCATION OR SUSPENSION OF LICENSE OF A PRIVATE EMPLOYMENT AGENCY OR  
EMPLOYMENT COUNSELOR ~~REVOCATION-OR-SUSPENSION-OF-LICENSE-FOR~~  
~~UNLAWFUL-DISCRIMINATION-AND-CIVIL-RIGHTS-VIOLATION-PRACTICES~~

Section  
680.100 Provisions of the Act (Repealed)  
680.110 Provisions of the Illinois Human Rights Act (Repealed)  
680.120 Obtaining Copies (Repealed)  
680.130 Additional Provisions of the Illinois Human Rights Act (Repealed)  
680.140 Prohibition of Discrimination Practices (Repealed)

SUBPART B: ~~PROCEDURE-FOR-INITIATION-AND-RESOLUTION-OF-COMPLAINTS~~  
~~SEEKING-REVOCATION-OR-SUSPENSION-OF-LICENSE-OF-A~~  
~~PRIVATE-EMPLOYMENT-AGENCY-OR-EMPLOYMENT-COUNSELOR~~

Section  
680.200 Provisions of the Act  
680.210 Procedures in Connection with Initiation and Resolution of Complaints  
680.215 Filing Complaint  
680.220 Investigation of Complaint  
680.225 Contested Case Resolution  
680.230 Rules of Procedures in Administrative Hearings--Contested Cases  
(Repealed)

SUBPART BE: STANDARDS OF PRACTICE FOR ADVERTISING BY  
PRIVATE EMPLOYMENT AGENCIES AND EMPLOYMENT COUNSELORS ~~COUNSELORS~~

Section  
680.300 Prohibition of False or Misleading Statements  
680.310 Prohibition of Solicitation for Jobs Not on File  
680.320 Maintenance of File  
680.330 Advertisements and Notices  
680.340 Indication of Employer Paying Placement Fees  
680.350 Salary  
680.360 Cancellation of Advertisements for Filled Positions

SUBPART CB: SOLICITING OF EMPLOYEES

Section  
680.400 Soliciting of Employees

DEPARTMENT OF LABOR

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SUBPART DE: LETTER SERVICE

Section  
680.500 Letter Writing Service

SUBPART EF: TELEPHONES

Section  
680.600 Employment Agency Telephone Numbers

SUBPART FG: COPY OF CONTRACT TO APPLICANT

Section  
680.700 Copy of Contract

SUBPART GH: STANDARDS OF PRACTICE BY PRIVATE EMPLOYMENT AGENCIES  
CONDUCTING A "DOMESTIC AGENCY"

Section  
680.800 Definition of "Domestic Agency"  
680.810 Applications for Domestic Services  
680.820 Requirements of Licensee  
680.830 Endorsement of Application  
680.840 Verification of References  
680.850 Executed Application Forms and Verifications of References  
680.860 Referral Slips  
680.870 Verification of Qualifications  
680.880 Separate Records  
680.890 Physical Examination Documentation

AUTHORITY: Implementing and authorized by the Private Employment Agency Act  
[225 ILCS 515].

SOURCE: Adopted October 22, 1963; amended March 15, 1967; amended January 3,  
1977; amended at 3 Ill. Reg. 23, page 84, effective June 9, 1979; amended at 3  
Ill. Reg. 34, page 190, effective August 24, 1979; emergency rule at 5 Ill.  
Reg. 14623, effective January 1, 1982, for a maximum of 150 days; amended and  
codified at 5 Ill. Reg. 5778, effective April 30, 1982; amended at 25 Ill. Reg.  
878 effective 1-1-82.

SUBPART A: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS SEEKING  
REVOCATION OR SUSPENSION OF LICENSE OF A PRIVATE EMPLOYMENT AGENCY OR  
EMPLOYMENT COUNSELOR ~~REVOCATION-OR-SUSPENSION-OF-LICENSE-FOR~~  
~~UNLAWFUL-DISCRIMINATION-AND-CIVIL-RIGHTS-VIOLATION-PRACTICES~~

Section 680.100 Provisions of the Act (Repealed)

~~An Act to revise the law in relation to private employment agencies and to~~



## DEPARTMENT OF LABOR

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repeal an Act therein named", approved July 10, 1935, as amended (Ill. Rev. Stat. 1979, ch. 111, pars. 901 et seq.) hereafter referred to as the Act provides in part:

- a) "Failure to comply with the duties, terms, rules, conditions, or provisions required by any law of this State governing employment agencies, or with any lawful order of the Department of Labor, shall be deemed cause to revoke or suspend such license. The Department of Labor shall have power, jurisdiction and authority to fix and order such reasonable rules and regulations for the conduct of business of employment agencies, as may be necessary to carry out the laws relating to employment agencies."
- b) "In determining moral character and qualification for licensing, the Department may take into consideration any criminal conviction of the applicant, but such a conviction shall not operate as a bar to licensing."

(Source: Repealed at 25 Ill. Reg. 878, effective

## Section 680.110 Provisions of the Illinois Human Rights Act (Repealed)

The Illinois Human Rights Act (Ill. Rev. Stat. 1979, ch. 68, pars. 1-101 et seq.) provides: "It is the public policy of this State:

- a) "to secure for all individuals within Illinois the freedom from discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, physical handicap, mental handicap, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations;"
- b) "to promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State;"
- c) "to secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970;"
- d) "to establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions, and instrumentalities rigorously take affirmative action to provide equality of opportunity and to eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public;"
- e) "to protect citizens of this State against unfounded charges of unlawful discrimination."

(Source: Repealed at 25 Ill. Reg. 878, effective

## DEPARTMENT OF LABOR

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## Section 680.120 Obtaining Copies (Repealed)

Contact: Illinois Human Rights Commission  
179 West Washington Street  
Chicago, Illinois 60602  
312-793-6200

for copies of the Illinois Human Rights Act, Rules and Regulations, and Guidelines on Discrimination in Employment Because of Sex:

(Source: Repealed at 25 Ill. Reg. 878, effective  
JAN 06 1981)

## Section 680.130 Additional Provisions of the Illinois Human Rights Act (Repealed)

The Illinois Human Rights Act provides in part:

- a) "It is a civil rights violation:-----for any employment agency to fail or refuse to classify properly, accept applications and register for employment, referral or apprenticeship, referral, refer, for employment, or refer for apprenticeship on the basis of unlawful discrimination or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination a condition of referral;"
- b) "It is a civil rights violation for any employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested;"
- c) "It is a civil rights violation for a person or for two or more persons, to conspire to:
- 1) Retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination or has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this Act;
  - 2) Aid, abet, compel or coerce a person to commit unlawful discrimination;"
  - d) "Nothing contained in this Act shall prohibit an employer, employment agency or labor organization from:
    - 1) Hiring or selecting between persons for bona fide occupational qualifications or any reason except those civil rights violations specifically identified in this Article;"
    - 2) Giving or acting upon the results of any professionally developed ability test provided that such test, its administration or action upon the results, is not used as a substitute for or does not have the effect of unlawful discrimination;"

(Source: Repealed at 25 Ill. Reg. 878, effective

DEPARTMENT OF LABOR  
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Section 12 Paragraph 915 of the Act provides in part:

"The Director of Labor or his designated representative shall have the power and authority to conduct hearings in accordance with "The Illinois Administrative Procedure Act" as now or hereafter amended, upon complaint by an authorized officer of the Department of Labor or any interested person of a violation of the Act or the rules and regulations of the Department of Labor.  
... When it is shown to the satisfaction of the Director of Labor that any person is guilty of an immoral, fraudulent, or illegal conduct in connection with the conduct of the business, it shall be the duty of the Director of Labor to revoke or suspend the license of such person, but notice of such charges shall be presented and reasonable opportunity shall be given the licensee to defend himself in the manner and form heretofore provided in this Section of the Act. Whenever the Director of Labor shall issue an order after hearing as provided in this Section, refuse to issue, or revoke the license of any such employment agency or employment counselor counselor, the determination shall be reviewable under and in accordance with the provisions of the Administrative Review Act. [735 ILCS 5/Art. III]"

(Source: Amended at 25 Ill. Reg. 378-5-1 effective 1/1/77)

Section 680.225 Contested Case Resolution

Resolution of complaints seeking suspension or revocation of a private employment agency or employment counselor license will be pursued in accordance with Section 1-30 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-30)  
"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational, or similar proceedings, in which the individual's legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing."

(Source: Amended at 25 Ill. Reg. 378-5-1 effective 1/1/77)

Section 680.230 Rules of Procedures in Administrative Hearings--Contested Cases (Repealed)

- a) Authority  
The rules in this subpart are enacted pursuant to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-106(f)).
- b) Applicability

DEPARTMENT OF LABOR  
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Section 680.140 Prohibition of Discrimination Practices (Repealed)

- a) The Director of Labor, according to the following unlawful discrimination practices by any private employment agency and the participation therein by an employment counselor:
  - 1) Acceptance of orders from any employer wherein a specification is given as to race, color, religion, sex, age, national origin or ancestry;
  - 2) Failure or refusal to accept any application for employment because of race, color, religion, sex, age, national origin or ancestry;
  - 3) Reference in any manner whatsoever to race, color, religion, sex, age, national origin or ancestry on applications, job orders or other forms or records;
  - 4) Failure or refusal to classify properly or refer for apprenticeship or accept applications for any apprenticeship or otherwise to discriminate against any individual because of his race, color, religion, sex, age, national origin or ancestry;
  - 5) Retention against any applicant because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination or has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing in connection with such practice or practices;
  - 6) For any employment agency to inquire on a written application whether a job applicant has ever been arrested is a civil rights violation;
  - b) Violations of any provision of this Part or the commission of any act or the failure to act with the intent to evade any of the prohibitions contained herein may be good cause for the revocation of the license of a private employment agency or employment counselor, or both.
  - c) Note: For Guidelines on Discrimination in Employment because of Sex and also on policy relating to arrest, contact the Illinois Human Rights Commission, 179 West Washington, Chicago, Illinois 60602, or Illinois Human Rights Commission, 100 North First Street, 5th Floor North, Springfield, Illinois 62706.

(Source: Repealed at 25 Ill. Reg. 378-5-1 effective 1/1/77)

SUBPART B--PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS  
SEEKING REVOCATION OR SUSPENSION OF LICENSE OF A  
PRIVATE EMPLOYMENT AGENCY OR EMPLOYMENT COUNSELOR

Section 680.200 Provisions of the Act

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## NOTICE OF ADOPTED AMENDMENTS

- 4) This subpart shall apply to all administrative hearings conducted under the jurisdiction of the Director of Labor or the Department of Labor wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases shall apply or where provided by the rules and regulations of the Department of Labor except as provided in this Section.
- 5) Procedures for hearings under the Unemployment Insurance Act (Ill. Rev. Stat. 1979, ch. 48, par. 300 et seq.) shall not be subject to this subpart but shall be subject to the Rules and Regulations for Administration of the Illinois Unemployment Insurance Act as on file with the Secretary of State on January 17, 1978.
- 6) Procedures for hearings by the Office of Collective Bargaining shall be subject to the rules and regulations of the Director of the Department of Personnel.
- 7) Filing Documents and requests permitted or required to be filed with the Director of Labor or the Department of Labor in connection with a hearing shall be addressed and mailed or delivered to the Office of the Director of Attention: Administrative Hearings, Section 5th Floor, North, Alzina Building, 100 North First Street, Springfield, Illinois 62766, in triplicate. The Office of the Director is open for filing and inspection and copying of public documents from 9:30 A.M. to 5:00 P.M. Monday through Friday except on National and State legal holidays.
- 8) Form of Documents
- 1) Documents shall clearly show the title of the proceedings in connection with which they are filed.
- 2) Except as otherwise provided, three (3) copies of all documents including notices, motions, and petitions shall be filed with the Director of Labor.
- 3) Documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper, and
- 4) One copy of each document filed shall be signed by the party or by his authorized representative.
- 9) Computation of time
- Computation of any period of time prescribed by this Section shall begin with the first business day following the date of filing of the document with the Office of the Director of Labor and shall run until the end of the last day or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.
- 10) Appearance
- 1) Appearance of Parties: Any person entitled to participation in proceedings may appear as follows:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) A natural person may appear on his own behalf or by a representative designated in writing.
- 2) An association or other business non-profit or government organization may appear by any bona fide officer, employee or representative designated in writing.
- 3) Appearance of designated representative: A designated representative appearing on behalf of a party shall file a written notice of appearance with the Hearing Officer.
- 4) Notice of Hearing
- 1) Initiation: All hearings shall be initiated by the issuance by the Director of Labor upon written request or upon his own motion of a written Notice of Hearing which shall be served upon all known parties to the hearing.
- 2) Service of the Notice of Hearing: Service shall be complete when the Notice of Hearing is served
- 1) in person or
- 2) deposited in the United States Mail postage prepaid addressed to the last known address of the person(s) partnership, association(s) or corporation(s) involved not less than fifteen (15) days before the day designated for the hearing. Such notice shall be served by registered or certified mail.
- 3) Contents: A notice of hearing served under paragraph (g)(1) of this Section shall include:
- 1) The time, place and nature of the hearing.
- 2) The legal authority and jurisdiction under which the hearing is to be held.
- 3) A reference to the particular section of the statutes and rules involved.
- 4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
- 5) A designation of a hearing examiner to preside over the hearing and the address of the hearing examiner.
- 6) Referral to hearing examiner: A copy of a notice of hearing served pursuant to paragraph (g)(1) of this Section shall be referred to the hearing examiner designated therein together with the original complaint, application or report and any written request for a hearing therein filed pursuant to this Part.
- 7) Manner of Service
- Service of any document upon any party may be made by personal delivery or by depositing it in the United States Mail postage prepaid addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service in the following form:
- I certify that I served the foregoing by depositing a copy thereof in the United States Mail postage prepaid, on



DEPARTMENT OF LABOR

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----- 7 19-----, addressed to the following at  
the address shown:

Subscribed--and--sworn--to  
before--me--this----- day  
of -----  
19-----.

Signature

Notary--Public

1) Motion-and-Answer

1) Any party-receiving-a-Notice-of-Hearing-may file a-written-answer  
not-later-than-seven (7) days-prior-to-the-date-of-the-hearing.  
All-answers-or-motions-preliminary-to-a-hearing-shall-be  
presented-to-the-office-of-the-Director-in-accordance-with  
Section-680.230(c) of this Part-at-least-seven (7) days-prior-to  
the-date-of-the-hearing--The-failure-to-file-an-answer-shall-be  
deemed-a-general-denial-of-matters-asserted:

2) Unless-made-orally-on-the-record-during-a-hearing-or-unless-the  
Hearing-Examiner-directs-otherwise-a-motion-shall-be-in-writing  
and-shall-be-accompanied-by-any-affidavits-or-other-evidence  
relied-upon-and-when-appropriate-by-a-proposed-order--At-least  
two-copies-of-all-such-motions-shall-be-filed-with-the-Office-of  
the-Director-and-one-copy-with-the-Hearing-Examiner-and-at-least  
one-copy-served-on-each-additional-party--if-any-to-the-hearing  
Within-seven (7) days-after-service-of-a-written-motion-or-such  
other-period--as-the-Hearing-Examiner-may-prescribe-a-party-may  
file-a-response-in-support-of-or-in-opposition-to-the-motion  
accompanied-by-affidavits-or-other-evidence.

4) No-oral-argument-will-be-heard-on-a-motion-unless-the-Hearing  
Examiner-directs-otherwise--A-written-brief-may-be-filed-with-a  
motion-or-an-answer-to-a-motion--stating-the-arguments-and  
authorities-relied-upon:

5) A-written-motion-will-be-disposed-of-by-written-order--and--on  
notice-of-all-parties:

6) The-Hearing-Examiner-shall-rule-upon-all-motions-except-that-he  
shall-have-no-authority-to-discard-or-decide-a-hearing-on-the  
merits-without-granting-all-parties-to-the-proceeding-a-right-to  
be-heard-and-to-establish-a-record:

7) Unless-otherwise-ordered-the-filing-of-an-answer-or-motion-shall  
not-stay-the-proceeding-or-extend-the-time-for-the-performance-of  
any-act:

8) A-party-may-participate-in-the-proceeding-without-forfeiting-any

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jurisdictional-objection--if-such-objection-is-raised-at-or  
before-the-time-the-party-files-his-answer-or-motion--if-no  
answer-or-motion-is-made-before-the-commencement-of-the-hearing--  
3) Consolidation-and-Severance-of-Matters--Additional-Parties  
in-the-interest-of-convenient-expeditious-and-complete  
determination-of-matters-the-Hearing-Examiner-may-consolidate-or  
sever-hearing-proceedings-involving-any-number-or-parties--and  
may-order-additional-parties-to-be-brought-in:

k) Intervention

1) Upon-timely-written-application-the-Hearing-Examiner-may-permit  
any-party-to-intervene-in-a-hearing-proceeding--subject-to-the  
necessity-for-conducting-an-orderly-and-expeditious-hearing--when  
A) the-party-is-so-situated-that-he-may-be-adversely-affected  
by-a-final-order-arising-from-the-hearing--or

B) When-a-party's-circumstances-and-the-hearing-proceeding-have  
a-question-of-law-or-fact-in-common:

2) Two-copies-of-a-petition-for-intervention-shall-be-filed-with-the  
Office-of-the-Director-and-one-copy-shall-be-filed-with-the  
Hearing-Examiner--and-one-copy-served-on-each-party--no-later  
than-48-hours-prior-to-the-date-set-for-hearing-of-the-matters  
set-forth-in-the-Notice-of-Hearing--the-Hearing-Officer-may  
permit-later-intervention-when-there-is-good-cause-shown-for-the  
delay:

3) An-intervener-shall-have-all-the-rights-of-an-original-party  
except-that-the-Hearing-Examiner-may-in-his-order-allowing  
intervention--provided-that-the-party-shall-not-raise-issues  
which-might-more-properly-have-been-raised-at-an-earlier-stage-of  
the-proceeding--that-the-party-shall-not-raise-new-issues-or-add  
new-parties--or--that--in-other-respects--the-party-shall-not  
interfere-with-the-conduct-of-the-hearing--as-justice--and--the  
avoidance-of-undue-delay-may-require:

1) Postponement-or-Continuance-of-Hearing

A-hearing-may-be-postponed-or-continued-for-cause-by-the  
Hearing-Examiner-upon-his-own-motion-or-upon-the-motion-of-a  
party-to-the-hearing--such-motion-of-the-party-shall-set-forth  
facts-attesting-that-the-request-for-continuance-is-not-for-the  
purpose-of-delay--Notice-of-any-postponement-or-continuance  
shall-be-given-in-writing-to-all-parties-to-the-hearing-within-a  
reasonable-time--in-advance-of-the-previously-scheduled-hearing  
date--All-parties-involved-in-a-hearing-shall-attempt-to-avoid  
undue-delay-caused-by-repetitive-postponements-or-continuances--so  
that--the--subject-matter-of-the-hearing-may-be-resolved  
expeditiously:

m) Hearing-Examiner-Power-and-Duties

1) Power--A-hearing-examiner-designated-to- preside-over-a-hearing  
shall-have-all-powers-necessary-and-appropriate-to-conduct-a  
fair--full-and-impartial-hearing-including-the-following:  
A) to-administer-oaths-and-affirmations:



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- B) To rule upon offers of proof and receive relevant evidence;
- C) To exercise the power of the Director and issue subpoenas under any statute;
- B) To provide for discovery and to determine its scope;
- B) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- B) To consider and rule upon procedural requests;
- C) To hold conferences for the settlement or simplification of the issues;
- B) To examine witnesses and direct witnesses to testify; limit the number of times any witness may testify; limit repetition of cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- B) To make or to cause to be made an inspection of the employment or place of employment involved; and
- D) To make decisions in accordance with the appropriate Act and rules of this subpart; and the Illinois Administrative Procedure Act;
- 2) Ex Parte Consultations: Except in the disposition of matters which are authorized by law to be entertained or posed on an ex parte basis, no agency member or employee or hearing examiner shall, after notice of hearing pursuant to this part, communicate directly or indirectly in connection with any issue or fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing examiner may have the aid and advice of one or more personal assistants.

## Disqualification:

- A) When a Hearing Examiner deems himself disqualified to preside over a particular hearing, he shall withdraw therefrom by notice on the record direct to the Director of Labor;
- B) Any party who deems a Hearing Examiner for any reason to be disqualified to preside or to continue to preside over a particular hearing may file with the Office of the Director a motion to disqualify and remove the Hearing Examiner; such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Office of the Director shall refer the motion to the Director of Labor who shall rule upon the motion.
- 4) Contumacious Conduct: Failure of or refusal to appear or obey the rulings of a presiding Hearing Examiner:
- A) Contumacious conduct at any hearing before the Hearing Examiner shall be grounds for exclusion from the hearing;
- B) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to

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- provide or permit discovery; the Hearing Examiner may make such orders with regard to the refusal as are just and appropriate including an order denying the application or complaint of a party or regulating the contents of the record of the hearing;
- 5) Referral to Illinois Supreme Court Rules: On any procedural question not regulated by this subpart, the appropriate Act and rules of the Illinois Administrative Procedure Act; a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court rules;
- n) Pre-Hearing Conferences
- 1) Convening a Conference: Upon his own motion or the motion of a party, the Hearing Examiner or Compliance Officer may direct the parties or their counsel to meet with him for a conference to consider:
- A) Simplification of the issues;
- B) Necessary or desirability of amendment to documents for purposes of clarification, simplification or limitation;
- C) Stipulations, admissions of fact and of contents and authenticity of documents;
- B) Limitation of the number of witnesses;
- B) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
- B) Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.
- 2) Record of Conference: The Hearing Examiner shall make an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters not disposed of by admissions or agreements and such other order when entered controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.
- 6) Consent Findings and Rules or Orders
- 1) General: At any time before the reception of evidence in any hearing or during any hearing a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings; the allowance of such opportunity and the duration thereof shall be in the discretion of the presiding Hearing Examiner. After consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.
- 2) Contents: Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:
- A) That the rule or order shall have the same force and effect

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- as if made after a full hearing.
- B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement.
- E) A waiver of any further procedural steps before the hearing.
- Examiner for the Director of Labor; and
- B) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- 3) Submission: On or before the expiration of the time granted for negotiations the parties or their counsel may:
- A) Submit the proposed agreement to the presiding hearing examiner for his consideration; or
- B) Inform the presiding hearing examiner that agreement cannot be reached.
- 4) Disposition: In the event that an agreement contains consent findings and rule or order is submitted in the time allowed therefore, the presiding hearing examiner may accept such agreement by issuing his decision based upon the agreed findings.
- D) Discovery
- 1) Depositions: For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the presiding hearing examiner and having power to administer oaths.
- 2) Application: Any party desiring to take the deposition of a witness may make application in writing to the presiding hearing examiner setting forth:
- A) The reasons why such deposition should be taken;
- B) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
- C) The name and address of each witness; and
- D) The subject matter concerning which each witness is expected to testify.
- 3) Notice: Such notice as the presiding hearing examiner may order shall be given by the party taking the deposition to every other party.
- 4) Taking and receiving in evidence: Each witness testifying upon deposition shall be sworn and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereon together with all objections made shall be reduced to writing read to the witness, subscribed by him and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition with two copies thereof in an envelope and mail the same by registered mail to the presiding hearing examiner. Subject to such objections to the questions and answers as were noted at the time

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- of taking the deposition may be read and offered in evidence by the party taking it as against any party who was present, represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.
- 5) Other Discovery: Whenever appropriate to a just disposition of any issue in a hearing, the presiding hearing examiner may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or by entry for inspection of the employment or place of employment involved.
- G) Hearings
- 1) Nature: All hearings shall be public unless required by statute to be otherwise.
- 2) Order of proceedings: The following shall be the order of proceeding of all hearings, subject to modification by the presiding hearing examiner for good cause:
- A) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
- B) Presentation of applicant's or complainant's opening statement;
- C) Presentation of objector's or respondent's opening statement;
- D) Objector's or respondent's case;
- E) Applicant's or complainant's case in rebuttal;
- F) Objector's or complainant's closing statement;
- G) Applicant's or respondent's closing statement;
- H) Presentation and argument of all motions prior to final order;
- I) Presentation of written brief if required or allowed by presiding hearing examiner; and
- J) Pitting of findings of fact and conclusions of law and recommendations of the hearing examiner.
- 3) Burden of proof: The party applicant or complainant shall have the burden of proof.
- 4) Default: Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the hearing examiner shall constitute a default. The hearing examiner shall thereupon enter such findings, opinions and recommendations as are appropriate under the pleadings and such evidence as he shall receive into the record.
- 5) Evidence
- A) Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as

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may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Examiner may exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed, however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements when a hearing will be expedited and the interest of the parties will not be prejudiced, a Hearing Examiner may allow evidence to be received in written form.

B) Testimony of Witnesses: The testimony of a witness shall be under oath or affirmation administered by the presiding Hearing Examiner.

C) Objections: If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross examination or to the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law the hearing examiner shall admit such evidence subject to the right of the Hearing Examiner to strike such evidence from the record either during the hearing or as a part of his findings of fact and conclusions of law if he should determine that it was improperly admitted in which case it shall not be considered in making findings of fact conclusions of law and recommendations.

B) Exceptions: Formal exception to an adverse ruling is not required.

6) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department of Labor's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data and they shall be afforded an opportunity to contest the facts so noticed. The agency's expert testimony, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

7) Hostile or Adverse Witnesses

A) If the Hearing Examiner determines that a witness is hostile or unwilling or adverse, he may be examined by the party calling him as if under cross examination.

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B) The party calling an occurrence witness, upon the showing that he called the witness in good faith and is surprised by his testimony, may impeach the witness by proof of prior inconsistent statements.

8) Transcripts

A) Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. Such records shall be transcribed either:

1) Upon written application filed with the reporter or Hearing Examiner by any party and upon the payment of the fees at the rate provided in the agreement with the reporter or as established by the Director of Labor or

2) Upon receipt of summons in Administrative Review or order of court, with payment of fees when allowed or required by statute.

B) Any recording or transcription will be retained through and including the time allotted for appeal, revision, rehearing, or other manner of review, prior to final disposition as provided for by the Director of Labor or by law.

9) Official Record: The official record of all hearings pursuant to this Part shall consist of:

A) All pleadings including all notices and responses thereto;

B) Evidence received;

C) A statement of matters officially noticed;

D) Offers of proof of objections and rulings thereon;

E) Proposed findings and acceptance;

F) Any decision, opinion or report of the hearing examiner;

G) All staff memoranda or data submitted to the Hearing Examiner or members of the agency in connection with their consideration of the case; and

H) Any communication prohibited by Section 10-66 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1937 Ch. 127, par. 1010-66) but such communications shall not form the basis for any finding of fact.

10) Briefs: The Hearing Examiner may require or allow parties to submit written briefs to the hearing examiner within ten (10) days after the close of the hearing or such other reasonable time as the Hearing Examiner shall determine consistent with the Director's responsibility for expeditious decision.

11) Hearing Examiner's Findings and Opinions

The Hearing Examiner's findings and opinions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties including matters officially noticed. Findings of fact, if set forth in statutory language, shall be



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accompanied by a statement of the underlying supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

## s) Hearing Examiner's Decision

Where authorized by statute or rule to act as the personal representative of the Director of Labor, the Hearing Examiner shall, in addition to the findings and opinions required by Section 680-230(f), render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence. The decision in the case will be the decision for and of the Director of Labor and shall become effective immediately upon the execution of the Order by the Hearing Examiner or as otherwise specified within the order or an applicable statute. The parties shall be immediately notified either by mail, postage prepaid, certified or registered, addressed to the last known address of the party. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

## t) Hearing Examiner's Recommendations

1) Initial Recommendations: Where the Director of Labor is required by law to be the sole personal acting officer, the Hearing Examiner shall, in lieu of decision and order under Section 680-230(s) and in addition to the findings and opinions required by Section 680-230(f), make recommendations by way of proposal for decision. Such recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence. Opportunity to file exceptions to the Hearing Examiner's shall forward a copy of his proposed findings of fact, opinions and recommendations to each party of record in the hearing and each party of record shall be allowed ten (10) days in which to submit exceptions to the findings, opinions, and recommendations of the Hearing Examiner and to present a brief to the Hearing Examiner in support of the position of the party.

2) Final Recommendations: The Hearing Examiner shall then prepare and submit to the Director of Labor or his authorized representative a final set of findings, opinions and recommendations which if a party submitted proposed findings of fact which might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.

## u) Order of the Director

The Director shall review the record and the Hearing Examiner's findings, opinions and recommendations together with exceptions thereto and briefs in support thereof and shall issue an order as set forth by applicable statutes within a reasonable time. The decision in the case will become effective immediately upon the execution of the Order or as otherwise specified within the Order.

## DEPARTMENT OF LABOR

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or an applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of the party. A copy of the order shall be delivered or mailed to each party and to his attorney of record.

(Source: Repealed at 25 Ill. Reg. 878, effective JAN 05 2001)

SUBPART BE: STANDARDS OF PRACTICE FOR ADVERTISING BY  
PRIVATE EMPLOYMENT AGENCIES AND EMPLOYMENT COUNSELORS 680NS5B50RS

## Section 680.300 Prohibition of False or Misleading Statements

No licensee shall publish or cause to be published or circulate any false or fraudulent or misleading information, representation, promise or notice by advertising, or in any other way make false statements or misrepresentation to any person seeking employment or to any employer seeking employees.

## SUBPART CB: SOLICITING OF EMPLOYEES

## Section 680.400 Soliciting of Employees

No private employment agency, which accepts fees from the applicant, shall by itself or by its agents solicit or attempt to persuade or induce any employee to leave or be separated from his/her employment by direct means of communication on the employer's premises during employee's employment hours, unless the said employee has previously granted his/her permission to the licensee.

(Source: Amended at 6 Ill. Reg. 5778, effective April 30, 1982)

## SUBPART DE: LETTER SERVICE

## Section 680.500 Letter Writing Service

- a) Letter Writing Service is that service performed by mailing letters, resumes and other correspondence for the sole purpose of generating employment offers.
- b) Licensee may, with a written permit of the Department of Labor, charge a reasonable fee to cover expenses of printing and mailing letters and resumes not to exceed \$250. The fee shall be called letter service fee and is to be credited on the fee charged for any placement resulting from such letter service.
- c) Licensee shall keep a complete record of fees collected and expenses incurred with respect to every such letter service fee charged. This record shall be called a letter service fee record (and kept on file) and open for inspection by the Department of Labor during all business



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- hours.
- d) Licensee shall refund the fees collected, less expenses incurred, within six months of the date of application, if no acceptable position has been furnished to the applicant by the licensee. An itemized account of such expenditures shall be presented to the applicant at the time of returning unused portion of such letter service fee. All such refunds shall be in cash or negotiable check and receipts obtained therefor.
- e) Any such permit granted by the Department of Labor may be revoked by it upon due notice to the holder of said permit and due cause shown and hearing thereon.

(Source: Amended at 6 Ill. Reg. 5776, effective April 30, 1982)

SUBPART F6: TELEPHONES

Section 680.600 Employment Agency Telephone Numbers

The licensee shall in writing notify the Department of all telephone numbers to be used by said licensee in connection with the employment agency; phone numbers must be used exclusively in the operation of the employment agency and not in conjunction with any other business.

SUBPART F6: COPY OF CONTRACT TO APPLICANT

Section 680.700 Copy of Contract

An executed copy of each contract or other document to which the applicant becomes a party with the licensee shall be given to the applicant by the licensee or licensee agency at the time of the execution of such contract or other document.

SUBPART GH: STANDARDS OF PRACTICE BY PRIVATE EMPLOYMENT AGENCIES  
CONDUCTING A "DOMESTIC AGENCY"

Section 680.800 Definition of "Domestic Agency"

Domestic Agency as used under these rules means and includes the business of conducting any agency, bureau, office or any other place for the purpose of procuring, offering, promising, or attempting to provide employment for any domestic or household help.

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- 1) Heading of the Part: Rules of Procedure in Administrative Hearings
- 2) Code Citation: 56 Ill. Adm. Code 120
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
120.100	New Section
120.110	New Section
120.120	New Section
120.130	New Section
120.140	New Section
120.150	New Section
120.160	New Section
120.200	New Section
120.210	New Section
120.220	New Section
120.300	New Section
120.310	New Section
120.320	New Section
120.330	New Section
120.400	New Section
120.410	New Section
120.420	New Section
120.500	New Section
120.510	New Section
120.520	New Section
120.530	New Section
120.540	New Section
120.550	New Section
120.560	New Section
120.570	New Section
120.580	New Section
120.600	New Section
120.610	New Section
120.620	New Section
120.630	New Section
120.640	New Section
120.650	New Section
120.660	New Section
- 4) Statutory Authority: Implementing and authorized by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 10/Art. 10].
- 5) Effective Date of Rules: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No

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8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13529 (Sept. 8, 2000)

10) Has JCAR Issued a Statement of Objections to these rules? No

11) Difference Between Proposal and Final Version: Section 120.130 (a), after the period, add "Documents may also be inspected or copied at the Department's Springfield office by requesting of the Office of Administrative Hearings that those document be transmitted by E-mail or fax to the Springfield office for that purpose, with the costs of transmission and/or copying to be borne by the requesting party."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rules: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative hearings conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] and 56 Ill. Adm. 100. Code 100.

16) Information and questions regarding these adopted rules shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted rules begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED RULES

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULES

PART 120  
RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	
120.100	Applicability
120.110	Definitions
120.120	Burden and Standard of Proof
120.130	Filing
120.140	Form of Papers Filed
120.150	Computation of Time
120.160	Referral to Illinois Supreme Court Rules and Code of Civil Procedure

SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

Section	
120.200	Notice of Hearing
120.210	Manner of Service
120.220	Appearance

SUBPART C: MOTION, JOINDER AND INTERVENTION

Section	
120.300	Answer and Motion
120.310	Consolidation and Severance of Matters
120.320	Intervention
120.330	Postponement or Continuance of Hearing

SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

Section	
120.400	Prehearing Conferences
120.410	Discovery
120.420	Subpoenas

SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section	
120.500	Authority of Administrative Law Judge
120.510	Ex Parte Communications
120.520	Disqualification of Administrative Law Judge
120.530	Contumacious Conduct
120.540	Consent Findings and Rules or Orders

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120.550 Conduct of Hearings  
 120.560 Rules of Evidence  
 120.570 Official Notice  
 120.580 Hostile or Adverse Witnesses

## SUBPART F: POST-HEARING PROCEDURES

Section  
 120.600 Default  
 120.610 Official Record  
 120.620 Briefs  
 120.630 Administrative Law Judge's Findings and Opinions  
 120.640 Administrative Law Judge's Decision  
 120.650 Administrative Law Judge's Recommendations  
 120.660 Order of the Director

AUTHORITY: Implementing and authorized by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 10/Art. 10].

SOURCE: Adopted at 25 Ill. Reg. 899-7 effective  
 JAN 3 2001

## SUBPART A: GENERAL PROVISIONS

## Section 120.100 Applicability

This Part shall apply to all administrative hearings concerning contested cases conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] and 56 Ill. Adm. Code 100.

## Section 120.110 Definitions

"Administrative Law Judge" means an attorney, licensed to practice law in the State of Illinois, presiding over an administrative hearing convened under this Part.

"Contested case" means an adjudicatory proceeding (not including ratemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing. [5 ILCS 100/1-30]

"Day" means a calendar day.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor.

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## NOTICE OF ADOPTED RULES

"Document" means pleading, notice, motion, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be filed.

"Evidence" means a paper, drawing, map, chart, report, study, or other tangible thing produced and submitted at a hearing, or testimony received at hearing.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

## Section 120.120 Burden and Standard of Proof

The party applicant or complainant shall have the burden of proof. The standard of proof for any hearing conducted under this Part shall be the preponderance of the evidence.

## Section 120.130 Filing

a) Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Office of Administrative Hearings, at the Department's Chicago office. Filing, inspection, and copying of documents may be done in the Office of Administrative Hearings from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for national and State legal holidays. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. Documents may also be inspected or copied at the Department's Springfield office by requesting of the Office of Administrative Hearings that those documents be transmitted by E-mail or fax to the Springfield office for that purpose, with the costs of transmission and/or copying to be borne by the requesting party.

b) Filings received after 4:30 p.m. will be date-stamped the following business day.

c) Documents may be filed with the Office of Administrative Hearings by certified, registered, or First Class mail, by messenger service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or computer modem, will not be accepted, except when specifically requested or ordered by the Administrative Law Judge.

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**Section 120.140 Form of Papers Filed**

- a) Documents shall clearly show the title of the subject proceedings;
- b) Except as otherwise provided, the original and one copy of all documents, including notices, motions, and petitions, shall be filed with the Office of Administrative Hearings.
- c) Documents shall be typewritten or reproduced from typewritten copy on letter size white paper;
- d) Exhibits, where possible, shall be reduced to conform to the size requirements of subsection (c). However, one non-conforming copy may be filed with the Office of Administrative Hearings; and
- e) One copy of each document filed shall be signed by the party or by its authorized representative or attorney. All documents shall bear the business address and telephone number of the attorney filing the document, or of the party who appears on his or her own behalf.

**Section 120.150 Computation of Time**

Computation of any period of time prescribed by this Part shall begin with the first business day following the date of filing of the document with the Office of Administrative Hearings and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Notice and filing requirements shall be construed to mean notice and filing received. Proof that a notice or filing was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that the notice or filing was timely received.

**Section 120.160 Referral to Illinois Supreme Court Rules and Code of Civil Procedure**

An Administrative Law Judge may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules and the Code of Civil Procedure [735 ILCS 5], regarding any procedural question not regulated by this Part, the appropriate Act and the IAPA.

**SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE****Section 120.200 Notice of Hearing**

- a) All hearings shall be initiated by the Director's issuance, upon written request or upon the Director's own motion, of a written Notice of Hearing, which shall be served upon all known parties to the hearing.
- b) Service shall be complete when the Notice of Hearing is served:
  - 1) in person; or
  - 2) by certified United States Mail, postage prepaid, addressed to the last known address of the person involved not less than 15 days before the day designated for the hearing.

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**c) A Notice of Hearing served under this Part shall include:**

- 1) The time, place and nature of the hearing;
  - 2) The legal authority and jurisdiction under which the hearing is to be held;
  - 3) A reference to the particular Section of the statutes and rules involved;
  - 4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
  - 5) A designation of an Administrative Law Judge to preside over the hearing and the address of the Administrative Law Judge.
- d) A copy of a Notice of Hearing served pursuant to this Part shall be referred to the Administrative Law Judge designated in the Notice, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

**Section 120.210 Manner of Service**

Service of any document upon any party may be made by personal delivery or by registered or certified mail with return receipt signed by the party or its registered agent. Proof of service shall be made by affidavit of the person making personal service, or by a properly executed registered or certified mail receipt.

**Section 120.220 Appearance**

- a) Any person entitled to participation in proceedings may appear as follows:
  - 1) A natural person may appear on his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois.
  - 2) A corporation may appear through any officer, employee, or representative, or by an attorney at law licensed and registered to practice in the State of Illinois.
  - 3) Any other person, including the State of Illinois and all political subdivisions, may appear through any officer, employee, or representative, or by an attorney licensed and registered to practice in the State of Illinois.
- b) Attorneys not licensed and registered to practice in the State of Illinois may request to appear on a particular matter by filing a motion with the Administrative Law Judge.
- c) An attorney appearing in a representative capacity shall file a separate written notice of appearance with the Administrative Law Judge, together with proof of service and notice of filing on all parties.
- d) An attorney who has appeared in a representative capacity and who wishes to withdraw from that representation shall file a notice of withdrawal with the Administrative Law Judge, together with proof of service and notice of filing on all parties.



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## SUBPART C: MOTION, JOINDER AND INTERVENTION

## Section 120.300 Answer and Motion

- a) Any party receiving a Notice of Hearing may file a written answer not later than 7 days prior to the date of the hearing. All answers or motions preliminary to a hearing shall be presented to the Administrative Law Judge in accordance with Section 120.130 of this Part at least 7 days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.
- b) Unless made orally on the record during a hearing, or unless the Administrative Law Judge directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. At least 2 copies of all motions shall be filed with the Office of Administrative Hearings and one copy with the Administrative Law Judge, and at least one copy served on each additional party, if any, to the hearing.
- c) Within 7 days after service of a written motion, or other period as the Administrative Law Judge may prescribe, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.
- d) No oral argument will be heard on a motion unless the Administrative Law Judge directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.
- e) A written motion will be disposed of by written order and on notice of all parties.
- f) The Administrative Law Judge shall rule upon all motions, except that he or she shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files his answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

## Section 120.310 Consolidation and Severance of Matters

In the interest of convenient, expeditious and complete determination of matters, the Administrative Law Judge may consolidate or sever hearing proceedings involving any number or parties, and may order additional parties to be brought in.

## Section 120.320 Intervention

- a) Upon timely written application, the Administrative Law Judge may

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permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when:

- 1) The party is so situated that he or she may be adversely affected by a final order arising from the hearing; or
- 2) A party's circumstances and the hearing proceeding have a question of law or fact in common.
- b) Two copies of a petition for intervention shall be filed with the Office of Administrative Hearings and one copy shall be filed with the Administrative Law Judge, and one copy served on each party. The Administrative Law Judge shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
- c) An intervenor shall have all the rights of an original party, except that the Administrative Law Judge may, in his or her Order allowing intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require.

## Section 120.330 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Administrative Law Judge upon his or her own motion or upon the motion of a party to the hearing. A motion by a party shall set forth facts attesting that the request for continuance is not for the purposes of delay. Examples of due cause include the unavailability of the Administrative Law Judge, a witness or a party due to an accident, illness or other circumstances beyond the person's control. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

## SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

## Section 120.400 Prehearing Conferences

- a) Upon the Administrative Law Judge's own motion or the motion of a party, the Administrative Law Judge may direct the parties or their counsel to meet with the Administrative Law Judge for a conference to consider:
  - 1) Simplification of the issues;
  - 2) Necessity or desirability of amending documents for purposes of clarification, simplification or limitation;
  - 3) Stipulations and admissions of fact and of contents and authenticity of documents;
  - 4) Limitation of the number of witnesses;

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- 5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
  - 6) Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion.
- b) The Administrative Law Judge shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered and that limits the issues for hearings to those not disposed of by admissions or agreements. The order, when entered, controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

**Section 120.410 Discovery**

- a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Deposition may be taken orally or upon written interrogatories before any person designated by the presiding Administrative Law Judge and having power to administer oaths.
- b) Any party desiring to take the deposition of a witness may make application in writing to the presiding Administrative Law Judge, setting forth:
  - 1) The reasons why the deposition should be taken;
  - 2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
  - 3) The name and address of each witness; and
  - 4) The subject matter concerning which each witness is expected to testify.
- c) Any notice the presiding Administrative Law Judge may order shall be given by the party taking the deposition to every other party.
- d) Each witness testifying upon deposition shall be sworn, and the parties not calling the witness shall have the right to cross examine the witness. The questions and answers, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him or her, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with 2 copies, in an envelope and mail the envelope by registered mail to the presiding Administrative Law Judge. Subject to objections to the questions and answers noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for taking of the deposition in the first instance exist at the time of the hearing.
- e) Whenever appropriate to a just disposition of any issue in a hearing, the presiding Administrative Law Judge may allow discovery by any other appropriate procedure, such as by written interrogatories upon a

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- party, production of documents by a party, or entry for inspection of the employment or place of employment involved.
- f) The Administrative Law Judge may at any time on his or her own initiative, or on motion of any party or witness, make a protective order as justice requires denying, limiting, conditioning or regulating discovery to prevent unreasonable delay, expense, harassment, or oppression, or to protect trade secrets or confidential information.

**Section 120.420 Subpoenas**

- a) The Administrative Law Judge may issue a subpoena to compel the attendance of a witness or the production of documents when the witness or the production of documents has or contains relevant evidence but is not being presented by the party, witness or holder of a document. A party may also request the Administrative Law Judge to issue a subpoena to compel the attendance of a witness or the production of documents.
- b) A Request for Subpoena shall be either in writing or on the record and shall:
  - 1) Identify the witness or document sought;
  - 2) State the facts that will be proven by each witness and or document sought; and
  - 3) Provide a proposed subpoena.
- c) The Administrative Law Judge shall grant or deny the request, either in writing or on the record. The movant is responsible for serving the subpoena upon the party or witness if the request is granted. Service of a subpoena must be completed 7 days before the date of the required appearance or production.
- d) The Administrative Law Judge, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, oppressive, or irrelevant. The Administrative Law Judge will rule upon motions to quash or modify material requested in the subpoena, denying, limiting or conditioning the production of information when necessary to prevent undue delay, undue expense, harassment, or oppression or to protect materials from disclosure consistent with the provisions of Section 120.410(f) of this Part. If the Request for Subpoena is denied or modified, the Administrative Law Judge shall proceed to conduct the hearing, and the specific reasons for denying or modifying the request shall be made part of the record.
- e) Any witness subpoenaed for a deposition may be required to attend only in the county in which the witness resides or maintains an office address, or in any other place ordered by the Administrative Law Judge.

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**Section 120.500 Authority of Administrative Law Judge**

An Administrative Law Judge presiding over a hearing shall have all powers necessary and appropriate to conduct a full, fair and impartial hearing, including the following:

- a) To administer oaths and affirmations;
- b) To rule upon offers of proof and receive relevant evidence;
- c) To exercise the power of the Director and issue subpoenas under any statute;
- d) To provide for discovery and to determine its scope;
- e) To regulate the course of the hearing and the conduct of the parties and their counsel;
- f) To consider and rule upon procedural requests;
- g) To hold conferences for the settlement or simplification of the issues;
- h) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- i) To make or to cause to be made an inspection of the employment or place of employment involved; and
- j) To make decisions in accordance with the appropriate Act and rules, this Part, and the IAPA.

**Section 120.510 Ex Parte Communications**

- a) No party may engage in any ex parte communication with an Administrative Law Judge or with any member of the Department regarding matters pending before an Administrative Law Judge or the Director.
- b) The Administrative Law Judge shall not initiate ex parte communications, directly or indirectly, in any matter in connection with any substantive issue, with any interested person or party. If the Administrative Law Judge receives any such ex parte communication, including any documents, he or she shall inform the other parties of the substance of any such oral communication or documents. The other parties shall be given an opportunity to review any such ex parte communication.
- c) Nothing shall prevent the Administrative Law Judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record. A member of the Department may communicate with other members of the Department and a Department member or Administrative Law Judge may have the aid and advice of one or more personal assistants.

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**Section 120.520 Disqualification of Administrative Law Judge**

At any time prior to the issuance of the Administrative Law Judge's decision or recommendations, a party may move to disqualify the Administrative Law Judge on the grounds of bias or conflict of interest. The motion shall be made in writing to the Director, with a copy to the Administrative Law Judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The Administrative Law Judge's employment or contract as an Administrative Law Judge by the Department is not, in and of itself, a conflict of interest. The case shall be suspended until the Director rules on the motion. The Director may decline to disqualify the Administrative Law Judge or appoint another Administrative Law Judge to hear the case.

**Section 120.530 Contumacious Conduct**

- a) Contumacious conduct at any hearing before the Administrative Law Judge shall be grounds for exclusion from the hearing.
- b) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

**Section 120.540 Consent Findings and Rules or Orders**

- a) At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance or duration of the opportunity shall be in the discretion of the presiding Administrative Law Judge after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.
- b) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:
  - 1) That the rule or order shall have the same force and effect as if made after a full hearing;
  - 2) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;
  - 3) A waiver of any further procedural steps before the presiding Administrative Law Judge; and
  - 4) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the



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agreement.

- c) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

- 1) Submit the proposed agreement to the presiding Administrative Law Judge for consideration; or
- 2) Inform the presiding Administrative Law Judge that agreement cannot be reached.

- d) In the event that an agreement containing consent findings and rule or order is submitted in the time allowed, the presiding Administrative Law Judge may accept the agreement by issuing a decision based upon the agreed findings.

**Section 120.550 Conduct of Hearings**

- a) All hearings shall be public unless required by statute to be otherwise.

- b) The following shall be the order of proceeding of all hearings, subject to modification by the presiding Administrative Law Judge for good cause:

- 1) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
- 2) Presentation of applicant's or complainant's opening statement;
- 3) Presentation of objector's or respondent's opening statement;
- 4) Objector's or respondent's case;
- 5) Applicant's or complainant's case in rebuttal;
- 6) Objector's or complainant's closing statement;
- 7) Applicant's or respondent's closing statement;
- 8) Presentation and argument of all motions prior to final order;
- 9) Presentation of written brief or proposed findings of fact, conclusions of law and order if required or allowed by the presiding Administrative Law Judge; and
- 10) Filing of findings of fact and conclusions of law and recommendations of the Administrative Law Judge.

**Section 120.560 Rules of Evidence**

- a) A party shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Administrative Law Judge may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these

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requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, an Administrative Law Judge may allow evidence to be received in written form.

- b) The testimony of a witness shall be under oath or affirmation administered by the presiding Administrative Law Judge.

- c) If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross-examination, or to the failure to limit such scope, he shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Administrative Law Judge shall admit the evidence subject to the right of the Administrative Law Judge to strike the evidence from the record either during the hearing or as a part of his or her findings of fact and conclusions of law if he or she should determine that it was improperly admitted. In this case, it shall not be considered in making findings of fact, conclusions of law and recommendations.
- d) Formal exception to an adverse ruling is not required.

**Section 120.570 Official Notice**

Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of the fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts noticed. The Department's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**Section 120.580 Hostile or Adverse Witnesses**

- a) If the Administrative Law Judge determines that a witness is hostile or unwilling or adverse, he or she may be examined by the party calling him or her as if under cross-examination.
- b) The party calling an occurrence witness, upon the showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach the witness by proof of prior inconsistent statements.

**SUBPART F: POST-HEARING PROCEDURES****Section 120.600 Default**

Failure of a party to appear at the hearing or failure to proceed as ordered by the Administrative Law Judge shall constitute a default. The Administrative Law Judge shall thereupon enter findings, opinions and recommendations as are



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appropriate under the pleadings and evidence he or she shall receive into the record.

**Section 120.610 Official Record**

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
  - 1) All pleadings, including all notices and responses to those pleadings;
  - 2) A transcript of the hearing, if any, and all evidence received;
  - 3) A statement of matters officially noticed;
  - 4) Any offers of proof, objections and rulings on that proof;
  - 5) Any proposed findings and acceptance;
  - 6) Any decision, opinion or report by the Administrative Law Judge;
  - 7) All staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
  - 8) Any ex parte communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60], but those communications shall not form the basis for any finding of fact.
- b) The record shall also contain the following:
  - 1) Subpoenas;
  - 2) Requests for Subpoenas;
  - 3) Cover letters;
  - 4) Notices of Filing;
  - 5) Certificates of mailing for regular mail and return receipts for certified mail; and
  - 6) Discovery Requests.
- c) The Department shall be the official custodian of the records of administrative hearings held by the Department.

**Section 120.620 Briefs**

The Administrative Law Judge may require or allow parties to submit written briefs to the Administrative Law Judge within 10 days after the close of the hearing or other reasonable time as the Administrative Law Judge shall determine consistent with the Director's responsibility for an expeditious decision.

**Section 120.630 Administrative Law Judge's Findings and Opinions**

The Administrative Law Judge's findings and opinions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

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**Section 120.640 Administrative Law Judge's Decision**

Where authorized by statute or rule to act as the personal representative of the Director, the Administrative Law Judge shall, in addition to the findings and opinions required by Section 120.630, render a decision and issue an order upon consideration of the record as a whole or such portion of the record as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the Director and shall become effective immediately upon the execution of the order by the Administrative Law Judge or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

**Section 120.650 Administrative Law Judge's Recommendations**

- a) Where the Director is required by law to be the sole, personal acting officer, the Administrative Law Judge shall, in lieu of decision and order under Section 120.640 and in addition to the findings and opinions required by Section 120.630, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.
- b) The Administrative Law Judge shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, and recommendations of the Administrative Law Judge and to present a brief to the Administrative Law Judge in support of those exceptions.
- c) The Administrative Law Judge shall then prepare and submit to the Director or his or her authorized representative a final set of findings, opinions and recommendations that, if a party submitted proposed findings of fact that might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.

**Section 120.660 Order of the Director**

The Director shall review the record and the Administrative Law Judge's findings, opinions and recommendations, together with exceptions and briefs, and shall issue an order as set forth by applicable statutes within a reasonable time. The decision in the case will become effective immediately upon the execution of the order or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Statewide Displaced Homemakers Program

2) Code Citation: 56 Ill. Adm. Code 365

3) Section Numbers:      Adopted Action:

365.5	Repealed
365.20	Amended
365.50	Amended
365.60	Amended
365.70	Amended
365.80	Amended
365.90	Amended
365.100	Amended
365.110	Amended
365.120	Amended

4) Statutory Authority: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].

5) Effective Date of Amendments: January 5, 2001

6) Does this rulemaking contain an automatic repeal by reference? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13546 (Sept. 8, 2000)

10) Has JCAR Issued a Statement of Objection to these amendments? No

11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking updates the regulations under the Displaced Homemakers Assistance Act [20 ILCS 615], and replaces each reference to the Department of Commerce and Community Affairs in the regulations with a reference to the Department of Labor.

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16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

## PART 365

## STATEWIDE DISPLACED HOMEMAKERS PROGRAM

## Section

- 365.5 Introduction (Repealed)
- 365.10 Scope and Purpose
- 365.20 Policy and Applicability
- 365.30 Use of Funds
- 365.40 Duration of Program
- 365.50 Eligible Target Group
- 365.60 Eligible Organizations for Funding
- 365.70 Availability of Information to the Public
- 365.80 Application Process
- 365.90 Internal Review Procedure for Applications
- 365.100 Record Maintenance and Reporting Requirements
- 365.110 Monitoring and Evaluation
- 365.120 Non-Compliance

**AUTHORITY:** Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].

**SOURCE:** Adopted at 4 Ill. Reg. 19, p. 189, effective April 29, 1980; codified at 6 Ill. Reg. 15178; recodified from 47 Ill. Adm. Code 150 at 8 Ill. Reg. 7799; transferred from 56 Ill. Adm. Code 2640 (transferred by P.A. 87-878) at 16 Ill. Reg. 17177; amended at 25 Ill. Reg. 916 effective JAN 05 2001.

## Section 365.5 Introduction (Repealed)

The Department of Commerce and Community Affairs submits the following guidelines and requirements for funding and administration of the Displaced Homemakers Assistance Act with subsequent monitoring and evaluation by authority of statutory authority of Illinois Revised Statutes 1981, Chapter 23, Sections 3451 to 3457 as amended. Guidelines and requirements contained herein are to be used for the purpose of establishing rules and regulations for the Displaced Homemakers Assistance Act and distribution of appropriated funds.

(Source: Repealed at 25 Ill. Reg. 916 effective JAN 05 2001)

## Section 365.20 Policy and Applicability

The policy of the Department of Labor Commerce and Community Affairs will be to

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develop programs, funded through General Revenue appropriations, that will implement, expand, and enhance services to displaced homemakers throughout the State state. These programs will assist displaced homemakers through:

- a) personalized counseling and referral,
- b) workshops for assessment of skills and career orientation,
- c) assistance in writing resumes and acquiring other preoccupational skills,
- d) skill training for employment,
- e) job placement assistance, and
- f) any method likely to improve the employability of the displaced homemaker.

(Source: Amended at 25 Ill. Reg. 916 effective JAN 05 2001)

## Section 365.50 Eligible Target Group

- a) The target group is displaced homemakers, to which assistance is necessary for them to be able to become independent and to gain economic security. In Section 3 of the Displaced Homemakers Assistance Act [20 ILCS 615(3)], (part-3453(a)) a displaced homemaker is defined as follows:

"Displaced homemaker" means a person who (1) has worked in the home for a substantial number of years providing unpaid household services for family members; (2) is not gainfully employed; (3) has difficulty in securing employment; and (4) was dependent on the income of another family member but is no longer supported by such income, or was dependent on federal assistance but is no longer eligible for such assistance.

- b) The Department of Labor Commerce and Community Affairs intends General Revenue Funds to be used to provide services to displaced homemakers, particularly in the areas of job training and job placement. The displaced homemaker, in order to be eligible to receive tuition-paid training through the program, must show a financial inability to pay tuition. Financial inability will be determined by a sliding fee scale based on income. The sliding fee scale will be developed by each Displaced Homemakers Center, subsequently approved by the Department of Labor Commerce and Community Affairs. The Department will provide a sample which is reasonable. Tuition and stipends will be awarded only on a financial need basis and amounts will vary with the area according to costs of community college classes and other education or training available.

(Source: Amended at 25 Ill. Reg. 916 effective JAN 05 2001)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

**Section 365.60 Eligible Organizations for Funding**

The Department of Labor Commerce-and-Community-Affairs may fund, for the purpose of the General Revenue Funded Displaced Homemakers Program, not-for-profit corporations, community organizations, State state and private colleges and universities. Only those organizations which have demonstrated that they are currently providing services to displaced homemakers will be funded through this Displaced Homemakers Program.

(Source: Amended at 25 Ill. Reg. 916, effective JAN 05 2001)

**Section 365.70 Availability of Information to the Public**

The Department of Labor Commerce-and-Community-Affairs shall make available to the public a copy of this Part these-rules for participation in the Displaced Homemakers Program. Requests For Proposals (RFPs) will be mailed to organizations on a solicitation list of potential providers, maintained by the Department of Labor Commerce-and-Community-Affairs and kept up-to-date by new names and addresses being added upon request. The public shall have the right to inspect published State state rules on program and administrative requirements for funding and operation of the Displaced Homemakers Program. This Part these-rules will be available at the Department of Labor's Chicago office Job-Training-Programs-Division-Department-of-Commerce-and-Community Affairs, 620-East-Adams, 6th-Floor, Springfield, Illinois 62401.

(Source: Amended at 25 Ill. Reg. 916, effective JAN 05 2001)

**Section 365.80 Application Process**

- a) The Department of Labor Commerce-and-Community-Affairs shall make RFPs a-Request-for-Proposals describing proposed projects before awarding of funds. Due-to-the-delay-in-the-appropriations-process-this-first fiscal-year-(FY-1997)-the-deadline-for-submission-was-not-consistent with-most-programs-funded-by-General-Revenue-funding-in-future fiscal-years. RFPs will be issued in May in order that programs can start up on July 1.
- b) Consistent with the RFP process, when funds become available, a deadline is established for the submission of proposals. It takes approximately three weeks after the deadline for submission of proposals for the proposals to be reviewed, for recommendations for funding to be made and confirmed by the Director of the Department of Labor Commerce-and-Community-Affairs, and for the applicants to be notified of approval or denial of applications (proposals).
- c) The RFP Request-for-Proposals shall require any organization or agency applying for funds to provide the following information in the proposal (application):

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## NOTICE OF ADOPTED AMENDMENTS

**1) Cover Page**

- A) Name of project
  - B) Name of organization or agency submitting proposal
  - C) Date of submission of proposal
  - D) Contact person
  - E) Mailing address
  - F) Telephone number
  - G) Total amount of funds requested
  - H) Starting and ending dates of program
  - I) Signatures of authorized representatives
- 2) Project Summary**
- A) Need for project should be established
  - B) Brief explanation of proposed program
  - C) Brief explanation of past year's performance, including the following:
    - i) How many displaced homemakers received or are receiving preemployment skills training and/or job skills training?
    - ii) How many displaced homemakers have been placed in employment or academic, vocational, or skills training for employment have-gone-back-to-ful-time-classes?

**3) Program Planning Summary**

The program must show that displaced homemakers will be provided services as described in the applicant's proposal, or if an applicant is starting a new program, the list of services to be provided must be shown. The program must emphasize job training and placement techniques for displaced homemakers.

**4) Assurances and Certifications**

The organization or agency making application shall assure and certify that it will abide by applicable State state rules, regulations, and requirements and provide copies or description of the following certification and other required information:

- A) That the proposal must identify any salaried personnel as being in new positions when salary is to be paid through the Displaced Homemakers Program funds.
- B) That displaced homemakers receiving tuition must show a financial need.
- C) That there is compliance with Equal Opportunity and Affirmative Action Provisions of the Department of Human Rights Illinois-Fair-Employment-Practices-Commission. That there will be compliance with the following Acts and Regulations, should the proposal be funded:
  - i) The Displaced Homemakers Assistance Act, as-amended;
  - ii) Civil Rights Act of 1964 (42 USC 6-5-e- 20002);
  - iii) Fair Labor Standards Act of 1938; (29 USC 6-5-e- 201 et seq.);
  - iv) Equal Employment Act of 1972; (42 USC 6-5-e- 2000 et seq.);



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(Source: Amended JAN 05 2001 at 25 Ill. Reg. 91 6 1 effective 91 6 1)

Section 365.100 Record Maintenance and Reporting Requirements

- a) Grantees will be required to submit the following reports:
  - 1) Monthly and quarterly progress reports.
  - 2) Final program evaluation report within 90 days after the end of the project.
- b) Grantees will be required to maintain the following records:
  - 1) a separate accounting system for the Displaced Homemakers Program funds granted by the Department of Labor Commerce-and-Community Affairs;
  - 2) a journal showing cash disbursements as cited in the budget;
  - 3) a general ledger summarizing cash receipts and disbursements; and
  - 4) a file for each person being paid out of the Displaced Homemakers grant to include time sheets, salary and travel vouchers.

(Source: Amended JAN 05 2001 at 25 Ill. Reg. 91 6 1 effective 91 6 1)

Section 365.110 Monitoring and Evaluation

- a) The Department of Labor Commerce-and-Community-Affairs may monitor and evaluate all grants made to eligible grantees through the Displaced Homemakers Program. Grant programs will be monitored for compliance with the rules, regulations, and requirements which the Department of Labor Commerce-and-Community-Affairs may establish for the programs. The right to make unannounced monitoring visits during the duration of the grant is reserved.
- b) If, during a visit, problems are discovered, the Department would provide technical assistance and attempt to rectify the situation. In the event that the program could not be brought up to standard, and upon the input and advise of the Advisory Committee-for-Displaced Homemakers, the Department would be compelled to consider discontinuance of the program.
- c) Programs will be evaluated for effectiveness of the program and for benefit to displaced homemakers and to the State. The effectiveness of a program will be judged according to how nearly the program completes the objectives and reaches the goals outlined in the signed agreement. Evaluations will occur both during the operation of the program and upon its completion.

(Source: Amended JAN 05 2001 at 25 Ill. Reg. 91 6 1 effective 91 6 1)

Section 365.120 Non-Compliance

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- v) Minimum Wage Law [820 ILCS 105] (~~1111-Rev-Stat-1987r~~ ch-48-pars-104-et-seq-7;
- vi) Eight Hour Work Day Act "An Act making eight hours a legal day's work" [820 ILCS 145] (~~1111-Rev-Stat-1987r~~ ch-48-pars-1-and-27;
- vii) One Day Rest in Seven Act "An Act to promote the public health and comfort of persons employed by providing for one day of rest in seven" [820 ILCS 140] (~~1111-Rev-Stat-1987r~~ ch-48-pars-8a-et-seq-7;
- viii) The State Property Control Act [30 ILCS 605] (~~1111-Rev-Stat-1987r~~ ch-127-par-133-i-et-seq-7;
- ix) The Department of Central Management Services purchasing rules [44 Ill. Adm. Code 1, Standard Procurement] Purchasing-Regulations--Acquisition-of services--not--otherwise--covered--by--the--Department--of Rules-and-Regulations;
- x) ~~The~~ Property Control Manual of the Department of Central Management Services;
- xi) ~~The~~ Displaced Homemakers Program Regulations (56 Ill. Adm. Code 3652640).

- 5) Budget Summary  
A proposed budget must be submitted.

(Source: Amended JAN 05 2001 at 25 Ill. Reg. 91 6 1 effective 91 6 1)

Section 365.90 Internal Review Procedure for Applications

- a) All proposals submitted for funding shall be reviewed by the Department of Labor Commerce-and-Community-Affairs--~~Job-Training Programs--Division--Office--of--Program-Development--and-Assessment~~, according to criteria, rules, and regulations set forth in Section 365.302640-30, Use of Funds, and Section 365.802640-80, Application Process.
- b) Upon completion of the review by the Department of Labor Subgrant Development--Unit--and--the--Manager--of--the--Office--of--Program-Development and--Assessment, a preliminary recommendation for approval or disapproval will be made. The preliminary recommendation shall then be forwarded to the Director of Labor the--Department--of--Commerce--and Community--Affairs who will make the final decision to approve or disapprove a particular program. All applicants shall be notified of approval or denial of proposed programs under the Displaced Homemakers Program. A contract will be signed between the Department and the successful applicant, setting forth all terms of the funded program, including, but not limited to, the requirements of Section 365.802640-80, Application Process, and Section 365.1002640-100, Record Maintenance and Reporting Requirements.

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- a) If the Department should determine that a program might not be in compliance with the Department's rules and regulations, standard procedures would be used to reach a final determination. The Department would give written notice to the grantee specifying the nature of the deficiency and giving the grantee ~~thirty-~~ 30+ calendar days in which to:
- 1) cure the defect;
  - 2) commence to implement a plan of corrective action consented to by the Department; or
  - 3) file an objection to the Department's finding of deficiency.
- b) If the grantee ~~Grantee~~ files an objection, the ~~Manager-of-the-Job Training-Programs-Division-of-the~~ Department shall investigate the matter and present the facts and ~~his~~ findings to the Director of the Department for a final determination. The grantee may submit any written or oral statement for the consideration of the Director ~~of-the Department~~. During the pendency of the determination of the objection, the Department may either continue to make payment to the grantee or suspend payments. The Department is authorized to suspend payments if, in the sole discretion of the Department, payments would jeopardize funding of the Department or prevent the Department from obtaining appropriate reimbursement from the ~~State~~ state government. In the event of termination, the Department may retain all suspended payments.

(Source: Amended at 25 Ill. Reg. 916 effective  
JAN 05 2001)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Toxic Substances Disclosure to Employees
- 2) Code Citation: 56 Ill. Adm. Code 205
- 3) Section Numbers: 205.260  
Adopted Actions: Amended
- 4) Statutory Authority: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 225].
- 5) Effective Date of Amendments: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13555 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 205.260 to provide that administrative hearings under Part 205 will be conducted under 56 Ill. Adm. Code 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

## PART 205

## TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES

## SUBPART A: GENERAL PROVISIONS

Section  
205.20 General Purpose

## SUBPART B: REQUIREMENTS

Section  
205.200 Definitions  
205.210 Employee Rights  
205.220 Submission of Information to the Department of Labor  
205.230 Labeling  
205.240 Posting of Signs  
205.250 Training  
205.260 Enforcement Hearing Procedures  
205.270 Toxic Substances List Additions/Deletions (Repealed)  
205.280 Material Safety Data Sheets (MSDS)  
205.290 Trade Secret Procedures  
205.300 Fire Safety  
205.310 Exemptions

## APPENDIX A Hazard Warnings (Non-mandatory Guidance)

## APPENDIX B Trade Secrets

## TABLE A Toxic Substances List (Repealed)

AUTHORITY: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 255].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 3402, effective March 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 7838, effective May 23, 1984; emergency amendments at 8 Ill. Reg. 15628, effective August 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7751, effective October 29, 1984; amended at 11 Ill. Reg. 10247, effective May 18, 1987; amended at 11 Ill. Reg. 14717, effective August 24, 1987; amended at 15 Ill. Reg. 16084, effective October 28, 1991; amended at 21 Ill. Reg. 10932, effective July 25, 1997; amended at 25 Ill. Reg. 925, effective JAN 1 1994.

## SUBPART B: REQUIREMENTS

## Section 205.260 Enforcement Hearing Procedures

## DEPARTMENT OF LABOR

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Resolutions of complaints alleging violations of the Act will be pursued in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.

- a) Notice-of-the-hearing-shall-be-by-U.S.-Certified-Mail-and-shall indicate:
- 1) time, place, date and nature of the hearing;
  - 2) Jurisdiction under which the hearing is to be held;
  - 3) A reference to the particular statutes and rules involved;
  - 4) A short and plain statement of the matters asserted;
- b) Hearings shall be conducted by a hearing officer designated by the Director;
- c) The hearing shall be conducted at a location designated by the hearing officer;
- d) The hearing shall be held within 60 days of receipt by the respondent of the complaint and hearing notice. (Ill. Rev. Stat. 1985, ch. 48, par. 1417.)
- e) At the hearing, the parties shall have a right:
- 1) to present any evidence;
  - 2) to be represented by counsel or other representative;
  - 3) to cross-examine witnesses. (Ill. Rev. Stat. 1985, ch. 48, par. 1417.)
- f) The Director shall issue subpoenas to compel witnesses to attend the hearing and for the orderly prehearing exchange of information and documents by the complaining employee, employee representative or employer and the respondent (Ill. Rev. Stat. 1985, ch. 48, par. 1417). The Director has the option of using a court reporter or tape recorder to record the hearings. Additionally, the record shall include such as produced in accordance with Section 32 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1011).
- h) The Department shall have the authority to request the issuance of a search warrant or subpoena to inspect the pertinent files or premises of an employer, manufacturer, importer or supplier when investigating a complaint (Ill. Rev. Stat. 1985, ch. 48, par. 1417).
- i) Parties other than those directly involved may intervene in the same manner as provided in the Department's "Prevailing Wage Hearing Procedures" (56 Ill. Adm. Code 100.40).
- j) It shall be the duty of the hearing officer to make decisions and issue rulings as necessary to provide an efficient, correct and fair record.
- k) The hearing officer's recommended decision shall be made to the Director who in turn will issue the final decision. The hearing officer shall send a draft recommendation to the involved parties for comment before sending a final recommendation to the Director.
- l) The Director shall issue a final decision and order within 30 days after the hearing. In accordance with Sections 13 and 14 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1014), in making this decision the Director shall consider the

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

record and whether the Act has been followed.

(Source: Amended at 25 Ill. Reg. 925, effective JAN 05 2001)



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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Whistleblower Protection
- 2) Code Citation: 56 Ill. Adm. Code 353
- 3) Section Numbers: Adopted Action:  
353.340 Amended
- 4) Statutory Authority: Implementing and authorized by Section 11b of the Prevailing Wage Act [820 ILCS 130/11b (c)].
- 5) Effective Date of Amendments: January 5, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13560 (Sept. 8, 2000)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking is part of the integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680 with updated procedural rules for administrative at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 353.340 to provide that administrative hearings under Part 353 will be conducted under 56 Ill. Adm. Code 120.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
  
William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
 CHAPTER I: DEPARTMENT OF LABOR  
 SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 353  
 WHISTLEBLOWER PROTECTION

## SUBPART A: GENERAL PROVISIONS

Section  
 353.100 Purpose of this Part  
 353.110 Definitions

## SUBPART B: OBLIGATIONS AND PROHIBITED CONDUCT

Section  
 353.200 Obligations and Prohibited Conduct

## SUBPART C: ADMINISTRATION AND ENFORCEMENT

Section  
 353.300 Filing an Application  
 353.310 Investigation  
 353.320 Issuance of Decision  
 353.330 Request for Hearing  
 353.340 Hearings  
 353.350 Judicial Review

AUTHORITY: Implementing and authorized by Section 11b(c) of the Prevailing Wage Act [820 ILCS 130/11b(c)].

SOURCE: Adopted at 21 Ill. Reg. 6845, effective May 20, 1997; amended at 25 Ill. Reg. 930-2, effective JAN 05 2001.

## SUBPART C: ADMINISTRATION AND ENFORCEMENT

## Section 353.340 Hearings

Upon receipt of a properly filed "request for hearing", the Director shall convene an administrative hearing pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and 56 Ill. Adm. Code 120 68-239. Adm.-Code-680-239.

(Source: Amended at 25 Ill. Reg. 930-2, effective JAN 05 2001)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Cigarette Tax Act

2) Code Citation: 86 Ill. Adm. Code 440

3) Section Numbers: Adopted Action:  
 440.240 New Section

4) Statutory Authority: 35 ILCS 130

5) Effective Date of Amendments: January 8, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14189

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements Public Act 91-901 by adding protest procedures for applicants who are denied a distributor's license and distributors who have their license revoked or suspended under the Cigarette Tax Act.

16) Information and questions regarding this adopted amendment shall be directed to: Gina Roccaforte  
 Associate Counsel  
 Illinois Department of Revenue  
 Legal Services Office  
 101 West Jefferson  
 Springfield, Illinois 62794  
 (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 440

## CIGARETTE TAX ACT

Section	Nature and Rate of Tax
440.10	Tax--How Paid
440.20	Tax--Who Liable For
440.30	Design
440.40	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.50	Tax Stamps--How Affixed
440.60	Tax Stamps--Affixed Out of State
440.70	Transporter Permits
440.80	Tax Stamps--Purchase of: Cost: Discount
440.90	Returns Required: When Filed
440.100	Books and Records: Examination: Preservation
440.110	Unused Stamps and Meter Units: Sale of: Notice to Department
440.120	Mutilated Stamps
440.130	Tax Meters (Repealed)
440.140	Tax Meter Machine Settings (Repealed)
440.150	Vending Machines
440.160	Sales Out of Illinois
440.170	Sales to Governmental Bodies
440.180	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax
440.190	Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund
440.240	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17793, effective November 28, 2000; amended at 25 Ill. Reg. at 938 E, effective JAN 06 2001.

Section 440.240 Protest Procedures

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- a) Any person aggrieved by any decision of the Department under Section 4 of the Act (denial of distributor's license) may, within 20 days after notice of the decision, protest and request a hearing. (See 86 Ill. Adm. Code 200, Practice and Procedure for Hearings Before the Illinois Department of Revenue.) Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing in the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 4 of the Act)
- b) Any distributor aggrieved by any decision of the Department under Section 6 of the Act (revocation or suspension of license) may, within 20 days after notice of the decision, protest and request a hearing. (See 86 Ill. Adm. Code 200, Practice and Procedure for Hearings Before the Illinois Department of Revenue.) Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 6 of the Act)

(Source: Added at 25 Ill. Reg. 388 effective

JAN 08 2001)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: Adopted Action:  
450.130 New Section
- 4) Statutory Authority: 35 ILCS 135
- 5) Effective Date of Amendments: January 8, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14193
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements Public Act 91-901 by adding protest procedures for applicants who are denied a distributor's license and distributors who have their license revoked or suspended under the Cigarette Use Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to: Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER 1: DEPARTMENT OF REVENUE

## PART 450

## CIGARETTE USE TAX ACT

## Section

450.10	Nature and Rate of Tax
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund
450.130	Protest Procedures

**AUTHORITY:** Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

**SOURCE:** Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10759, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17800, effective November 28, 2000; amended at 25 Ill. Reg. 937, effective JAN 06 2001.

**Section 450.130 Protest Procedures**

- a) Any person aggrieved by any decision of the Department under Section 4 of the Act (denial of distributor's license) may, within 20 days after notice of the decision, protest and request a hearing. (See 86 Ill. Adm. Code 200, Practice and Procedure for Hearing Before the Illinois Department of Revenue.) Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the

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Department's decision shall become final without any further determination being made or notice given. (Section 4 of the Act)

b) Any distributor aggrieved by any decision of the Department under Section 6 of the Act (revocation or suspension of license) may, within 20 days after notice of the decision, protest and request a hearing. (See 86 Ill. Adm. Code 200, Practice and Procedure for Hearing Before the Illinois Department of Revenue.) Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 4 of the Act)

(Source: Added at 25 Ill. Reg. 937.5 effective  
JAN 08 2001)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:  
130.605 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Amendments: January 8, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 8, 2000, 24 Ill. Reg. 13617

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.330	Amendment	05/26/00, 24 Ill. Reg. 7617
130.325	Amendment	09/29/00, 24 Ill. Reg. 14393
130.901	Amendment	11/13/00, 24 Ill. Reg. 16573
130.101	Amendment	11/17/00, 24 Ill. Reg. 16986
130.540	Amendment	11/17/00, 24 Ill. Reg. 16986
130.350	Amendment	12/15/00, 24 Ill. Reg. 17948
130.535	Amendment	12/22/00, 24 Ill. Reg. 18505
130.2125	Amendment	12/22/00, 24 Ill. Reg. 18505
130.401	Amendment	12/29/00, 24 Ill. Reg. 19030

15) Summary and Purpose of Amendments: This rulemaking explains the

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exemption for sales made in foreign commerce, clarifies the exemption for certain sales made in interstate commerce, and provides that the term "motor vehicle" does not include "watercraft" or "personal watercraft" for purposes of a sale of a motor vehicle to a nonresident in Illinois, if such motor vehicle is not to be titled in Illinois, and if a driveway decal permit is issued or if such purchaser has registration plates to transfer to the motor vehicle.

16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	
	SUBPART B: SALE AT RETAIL
Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

Section

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130.401	Meaning of Gross Receipts		
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser		
130.410	Cost of Doing Business Not Deductible	130.710	Requirements
130.415	Transportation and Delivery Charges	130.715	Procedure When Security Must be Forfeited
130.420	Finance or Interest Charges--Penalties--Discounts	130.720	Sub-Certificates of Registration
130.425	Traded-In Property		Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.430	Deposit or Prepayment on Purchase Price	130.725	Display
130.435	State and Local Taxes Other Than Retailers' Occupation Tax	130.730	Replacement of Certificate
130.440	Penalties	130.735	Certificate Not Transferable
130.445	Federal Taxes	130.740	Certificate Required For Mobile Vending Units
130.450	Installation, Alteration and Special Service Charges	130.745	Revocation of Certificate
130.455	Motor Vehicle Leasing and Trade-In Allowances		

SUBPART E: RETURNS			
Section			
130.501	Monthly Tax Returns--When Due--Contents		General Requirements
130.502	Quarterly Tax Returns	130.801	What Records Constitute Minimum Requirement
130.505	Returns and How to Prepare	130.805	Records Required to Support Deductions
130.510	Annual Tax Returns	130.810	Preservation and Retention of Records
130.515	First Return	130.815	Preservation of Books During Pendency of Assessment Proceedings
130.520	Final Returns When Business is Discontinued	130.820	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible
130.525	Who May Sign Returns	130.825	
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations		
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances		

SUBPART F: INTERSTATE COMMERCE			
Section			
130.540	Returns on a Transaction by Transaction Basis		Civil Penalties
130.545	Registrants Must File a Return for Every Return Period	130.901	Interest
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances	130.905	Criminal Penalties
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel		
130.555	Vending Machine Information Returns		
130.560	Verification of Returns		

SUBPART G: CERTIFICATE OF REGISTRATION			
Section			
130.601	Preliminary Comments		When Opinions from the Department are Binding
130.605	Sales of Property Originating in Illinois	130.1001	SUBPART J: BINDING OPINIONS
130.610	Sales of Property Originating in Other States		When Opinions from the Department are Binding

SUBPART H: BOOKS AND RECORDS			
Section			
130.601	Definition of Federal Area		SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS
130.605	When Deliveries on Federal Areas Are Taxable		
130.610	No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas		

SUBPART I: PENALTIES AND INTEREST			
Section			
130.601	General Information		SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING
130.701	Due Date that Falls on Saturday, Sunday or a Holiday		



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## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department  
 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
 130.1410 Requirements for Certificates of Resale (Repealed)  
 130.1415 Resale Number--When Required and How Obtained  
 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
 130.1501 Claims for Credit--Limitations--Procedure  
 130.1505 Disposition of Credit Memoranda by Holders Thereof  
 130.1510 Refunds  
 130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
 130.1601 When Returns are Required After a Business is Discontinued  
 130.1605 When Returns are Not Required After Discontinuation of a Business  
 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
 130.1801 When Powers of Attorney May be Given  
 130.1805 Filing of Power of Attorney With Department  
 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

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Section  
 130.1901 Addition Agents to Plating Baths  
 130.1905 Agricultural Producers  
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
 130.1915 Auctioneers and Agents  
 130.1920 Barbers and Beauty Shop Operators  
 130.1925 Blacksmiths  
 130.1930 Chiropodists, Osteopaths and Chiropractors  
 130.1935 Computer Software  
 130.1940 Construction Contractors and Real Estate Developers  
 130.1945 Co-operative Associations  
 130.1950 Dentists  
 130.1951 Enterprise Zones  
 130.1952 Sales of Building Materials to a High Impact Business  
 130.1955 Farm Chemicals  
 130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts  
 130.1965 Florists and Nurserymen  
 130.1970 Hatcheries  
 130.1971 Sellers of Pets and the Like  
 130.1975 Operators of Games of Chance and Their Suppliers  
 130.1980 Optometrists and Opticians  
 130.1985 Pawnbrokers  
 130.1990 Peddlers, Hawkers and Itinerant Vendors  
 130.1995 Personalizing Tangible Personal Property  
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
 130.2006 Sales by Teacher-Sponsored Student Organizations  
 130.2007 Exemption Identification Numbers  
 130.2008 Sales by Nonprofit Service Enterprises  
 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools  
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
 130.2020 Physicians and Surgeons  
 130.2025 Picture-Framers  
 130.2030 Public Amusement Places  
 130.2035 Registered Pharmacists and Druggists  
 130.2040 Retailers of Clothing  
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

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Shows, Flea Markets and the Like  
 Sales and Gifts By Employers to Employees  
 Sales by Governmental Bodies  
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 Sales of Automobiles for Use In Demonstration (Repealed)  
 Sales of Containers, Wrapping and Packing Materials and Related Products  
 Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 Sales to Railroad Companies  
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 Sellers of Feeds and Breeding Livestock  
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
 Sellers of Seeds and Fertilizer  
 Sellers of Machinery, Tools and Special Order Items  
 Suppliers of Persons Engaged in Service Occupations and Professions  
 Trading Stamps and Discount Coupons  
 Undertakers and Funeral Directors  
 Vending Machines  
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 Vendors of Meals  
 Vendors of Memorial Stones and Monuments  
 Vendors of Signs  
 Vendors of Steam  
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 Veterinarians  
 Warehousemen  
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.

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3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 1, 2001.

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## SUBPART F: INTERSTATE COMMERCE

## Section 130.605 Sales of Property Originating in Illinois

a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then delivered in Illinois to the purchaser, the seller is taxable if the sale is at retail.

- 1) The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of such property in this State.
- 2) This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
- 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.
- 4) There are two exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.
  - A) Effective July 23, 1971, the tax is not imposed upon the sale of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the other vehicle upon returning to his home state. The issuance of the driveway decal permit shall be prima facie evidence that such motor vehicle will not be titled in this State. For purposes of this subsection (a)(4)(A), the term "motor vehicle" does not include "watercraft" or "personal watercraft" as defined in the Boat Registration and Safety Act [625 ILCS 45] or any boat equipped with an inboard motor.
  - B) The seller does not incur Retailers' Occupation Tax liability with respect to the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the

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seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois. [35 ILCS 120/2-5(17)] {Section 2-5(17)-of-the-Act}

- C) The exception for sales to common carriers by rail or motor which is described immediately above at subsection (a)(4)(B) of this Section is also applicable to local occupation taxes administered by the Department ~~Retailers' Occupation Taxes imposed by home rule municipalities, non-home rule municipalities, home rule counties, water commissions, the Regional Transportation Authority and the Metro-East-Mass transit District.~~
- b) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made.
- c) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State. The fact that the purchaser actually arranges for the common carrier or pays the carrier that effects delivery does not destroy the exemption. However, it is critical that the seller is shown as the consignor or shipper on the bill of lading. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply.
- d) The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of the type described in subsections (b) and (c) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States. To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his records, to support deductions taken on his tax returns proof which satisfies the Department that there was such an agreement and a bona fide delivery outside this State of the property which is sold. The most acceptable proof of this fact will be:
  - 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
  - 2) if sent by mail, an authorized receipt from the United States Post Office Department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be
- e) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his records, to support deductions taken on his tax returns proof which satisfies the Department that there was such an agreement and a bona fide delivery outside this State of the property which is sold. The most acceptable proof of this fact will be:
  - 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
  - 2) if sent by mail, an authorized receipt from the United States Post Office Department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be

## DEPARTMENT OF REVENUE

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required;

- 3) if sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing the name and address of the seller, the name and address of the purchaser and the time and place of such delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the Act.

f) Retailers who ship property to freight forwarders who take possession of the property in Illinois and ship the property to foreign countries, not to be returned to the United States, are making exempt sales in foreign commerce and do not incur Retailers' Occupation Tax liability on the gross receipts from those sales. However, there is no exemption for property delivered in Illinois to foreign vessels. If foreign vessels purchase items of tangible personal property from Illinois retailers and have those items delivered to such vessels in an Illinois port, the sale is made in Illinois, the purchaser takes possession of the items in Illinois, and therefore, the sale is taxable.

(Source: Amended at 25 Ill. Reg. 941.2, effective  
JAN 15, 1991)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: 150.337 Adopted Action: New Section
- 4) Statutory Authority: 35 ILCS 105
- 5) Effective Date of Amendments: January 8, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14197
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
150.105	Amendment	11/17/00, 24 Ill. Reg. 17018
150.1310	Amendment	12/01/00, 24 Ill. Reg. 17507

- 15) Summary and Purpose of Amendments: This rulemaking amends Section 150.105 by implementing Public Act 91-870, which provides that beginning January 1, 2001, "prepaid telephone calling arrangements" shall be considered tangible personal property subject to Use Tax regardless of the form in which those arrangements may be embodied, transmitted, or fixed by any method now known or hereafter developed. Provides the definition of "prepaid telephone calling arrangements" and what is excluded from the definition. Also adds Section 150.337 by implementing Public Act 91-901, which provides that beginning January 1, 2000, the Use Tax shall not apply



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to the use of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 150  
USE TAX

## SUBPART A: NATURE OF THE TAX

## Section

150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How to Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
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TABLE A  
Tax Collection Brackets

**AUTHORITY:** Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 1059, effective JAN 13 2001.

### SUBPART C. KINDS OF USES AND USERS NOT TAXED

Section 150.337 Food, Drugs, Medicines and Medical Appliances when Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code

Beginning January 1, 2001, the Use Tax shall not apply to the use of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased by a serviceman use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act. (Section 3-5 of the Act)

(Source: Added at 25 Ill. Reg. 958 effective 1 JAN 08 2011)

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1)	<u>Heading of the Part:</u> Issuance of Licenses										
2)	<u>Code Citation:</u> 92 Ill. Adm. Code 1030										
3)	<table border="1"> <thead> <tr> <th><u>Section Numbers</u></th> <th><u>Adopted Action</u></th> </tr> </thead> <tbody> <tr> <td>1030.65</td> <td>Amendment</td> </tr> <tr> <td>1030.80</td> <td>Amendment</td> </tr> <tr> <td>1030.81</td> <td>Amendment</td> </tr> <tr> <td>1030.130</td> <td>Amendment</td> </tr> </tbody> </table>	<u>Section Numbers</u>	<u>Adopted Action</u>	1030.65	Amendment	1030.80	Amendment	1030.81	Amendment	1030.130	Amendment
<u>Section Numbers</u>	<u>Adopted Action</u>										
1030.65	Amendment										
1030.80	Amendment										
1030.81	Amendment										
1030.130	Amendment										
4)	<u>Statutory Authority:</u> Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].										
5)	<u>Effective Date of Amendment:</u> January 5, 2001										
6)	<u>Does this rulemaking contain an automatic repeal date?</u> No										
7)	<u>Does this amendment contain incorporations by reference?</u> No										
8)	A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.										
9)	<u>Notice of Proposal Published in Illinois Register:</u> 24 Ill. Reg. 14414 (September 29, 2000).										
10)	<u>Has JCAR issued a Statement of Objection to this amendment?</u> No										
11)	<u>Differences between proposal and final version:</u> None										
12)	<u>Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?</u> Yes										
13)	<u>Will this rulemaking replace any emergency rulemaking currently in effect?</u> No										
14)	<u>Are there any amendments pending on this Part?</u> No										
15)	<u>Summary and Purpose of Amendment:</u> This rulemaking incorporates previously enacted legislation.										
16)	<u>Information and questions regarding this adopted amendment shall be directed to:</u> Robert W. Mueller Driver Services Department 2701 S. Dirksen Parkway Springfield IL 62723 217-782-5356										

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## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1030

## ISSUANCE OF LICENSES

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1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
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1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License



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effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective JAN 05 2001.

## Section 1030.65 Instruction Permits

a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for an instruction permit.

"Certificate of Completion (Blue Slip)" - a document issued by the Illinois State Board of Education or the office which regulates education in another state to students who have successfully completed their driver education course. The blue slip in Illinois is issued by the Illinois Secretary of State's Office if the student completed behind the wheel instruction at an approved commercial driving school as provided in 92 Ill. Adm. Code 1060 and Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-114(g)].

"Class "L" Instruction Permit" - permit to operate a motor driven cycle with less than 150 cc displacement.

"Class "M" Instruction Permit" - permit to operate any motorcycle or any motor driven cycle.

"Commercial Driver Instruction Permit" - a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1 and 6-508].

"Competent Medical Specialist" - a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Education Course" - a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, rules of the road and the law of the State

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APPENDIX A Questions Asked of a Driver's License Applicant  
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8359, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992,

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relating to motor vehicles, which meets the minimum requirements of the Driver Education Act [105 ILCS 5/27-24] and Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103].

"Driver Rehabilitation Specialist" - a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).

"Driving Evaluation" - Assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.

"Favorable Medical Report" - a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.

"Illinois Medical Restriction Card" - a card which specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-113].

"In Loco Parentis" - person who is acting in place of a minor's parent with a parent's rights, duties, and authority.

"Instruction Permit" - a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].

"Medical Report" - a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical

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agreement as defined in Section 1030.16 of this Part, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.

"Minor" - a person under 18 years of age.

"Rehabilitation Institution" - any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

c) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in a driver education program out-of-state shall provide proof of such enrollment before he/she shall be issued an Illinois instruction permit. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course if he/she wants to apply for a driver's license before he/she is 18 years of age. If the minor is 16 years of age or older and has in his/her possession a certificate of completion or the equivalent, from another state's driver education program, he/she shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent for Illinois of a certificate of completion from an out-of-state driver education course shall include but is not limited to, transcripts from the out-of state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office in the state which regulates education. A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided he/she:

1) Submits written documentation on a form prepared or approved by the Secretary of State stating that the minor is enrolled in school and proof that the student has received a passing grade in at least 8 courses during the previous 2 semesters as required by the Driver Education Act, or submits a written waiver, pursuant

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to Section 6-103(1) of the Vehicle Code, from a superintendent or chief school administrator;

- 2) Submits a written waiver on a form prepared or approved by the Secretary of State from a superintendent or chief administrator stating that, through no fault of the minor, he/she will be unable to be enrolled in a driver education course until after his/her 16th birthday and the school would have no objection to the issuance of the instruction permit; and
- 3) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

An Illinois instruction permit issued to a minor under this subsection (d) may be canceled upon receipt of a report from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State stating that the minor has failed to enroll in a driver education course.

- e) The minor who is not legally emancipated by marriage or court order shall have his/her application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

- f) The instruction permit shall be issued to a minor for a period of 2 years upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee as established for driver's instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver's education instructor shall also sign the application unless the applicant presents a certificate of completion (blue slip).

- g) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 1 year upon successful completion of the written and vision exams.

- h) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition which impairs his/her ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit the required fee as provided in Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118]. Upon successful completion of the written and vision tests, he/she shall be issued, if not otherwise disqualified, an instruction permit, but shall be canceled upon receipt of a written statement from

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a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing him/her to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- i) An applicant must be at least 16 years old to obtain a class "L" instruction permit. He/she shall have obtained his/her blue slip at the time he/she applies for the "L" instruction permit. If he/she is at least 18 years old, a blue slip is not necessary.

- j) The class "M" instruction permit is issued by the Secretary of State to a person 18 years old or older for a period of 1 year. Class "M" instruction permits shall be issued for period of 2 years to persons 16 or 17 years old who has obtained his/her blue slip at the time he/she applies for the class "M" instruction permit and if they have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.

- k) An applicant who is 17 years and 9 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided he/she has successfully completed the vision and written exams.

- l) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to that classification of permit being renewed.

(Source: Amended at 25 Ill. Reg. 950 effective JAN 15 2001)

## Section 1030.80 Driver's License Testing/Written Test

Any applicant for an initial or renewal driver's license who is required to take a written test shall comply with the following provisions:

- a) Classification of licenses is established in Sections 1030.20 through 1030.40 of this Part.
- b) An applicant for a class D license shall be required to take a written test consisting of not more than 35 questions, of which 80% percent must be answered correctly in order to be eligible for a class D license.
- c) An applicant for a class C, B, A, or L-M license shall be required to take the written test as set forth in paragraph b) above. Said



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applicant shall also take a written examination established by the Secretary of State for the classification(s) and/or endorsement(s) applied for. The number of questions required to be answered is dependent upon the classification(s) and/or endorsement(s) applied for. Each written classification and/or endorsement examination shall consist of not more than 35 questions, of which 80% percent must be answered correctly in order for the applicant to be eligible for the classification(s) and/or endorsements applied for.

d) The written examinations set forth in paragraphs b) and c) of this Section shall be in the English language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.

e) An applicant who is illiterate shall be given the written examination orally.

f) An applicant who cannot read or write in English language, or other available foreign language, shall be eligible to take the written exam. The driver facility supervisor, his/her assistant or designee, may provide or recommend an interpreter for the applicant's language if an interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of an interpreter. The commercial driver's license knowledge test shall only be administered in the English language. An interpreter shall not be allowed when attempting the commercial driver's license knowledge tests.

g) An applicant shall demonstrate his/her ability to read and understand official traffic control devices.

h) Any licensee who desires to change his/her classification and/or endorsements prior to renewal of such license shall be required to take the written examination for the classification or classifications and/or endorsements said applicant desires to obtain.

i) Prior to obtaining a commercial driver instruction permit, an applicant must successfully complete the appropriate CDL knowledge tests specific to the instruction permit classification.

j) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit (Illinois State Board of Education Form 42.49 Illinois Secretary of State SB 2 Form) or its superseding form. The applicant shall be given a special test consisting of not more than 24 questions, of which 22 must be answered correctly in order to be eligible for such a permit.

(Source: Amended at 25 Ill. Reg. 95.0 effective JAN 15 2001)

## Section 1030.81 Endorsements

a) For purposes of this Section, the following definitions shall apply:

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"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles (see 625 ILCS 5/6-500). ~~†Section 6-500 of the Illinois--Driver--licensing law of the Illinois-Vehicle-Code-†~~

"Commercial Motor Vehicle" - a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles ~~vehicle(s)~~ being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Hazardous Material" - a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 USC 8-6-A; 1802-)

"Representative Vehicle" - a motor vehicle which represents the type that a driver applicant operates or expects to operate.

"Tanker-type Vehicle" - any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons. ~~†Section 6-500(2b) of the Illinois--Driver--licensing-law of the Illinois-Vehicle-Code-†~~

b) To obtain any of the following endorsements, a commercial driver's license operator must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 8-6-2704):

- 1) (T) Double or triple trailers (20 questions).
- 2) (P) Passenger carrying vehicles (16 or more passengers, including the driver). A skills test in a representative vehicle is required (20 questions).



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- 3) (N) Tank vehicles (20 questions).  
 4) (H) Any vehicle carrying hazardous materials which requires placarding (30 questions).  
 5) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).

(Source: Amended at 25 Ill. Reg. 95.9 effective JAN 15 2004)

## Section 1030.130 Grounds for Cancellation of a Probationary License

- a) For purposes of this Section, the following definitions shall apply:  
 Definitions.

"Cancellation of License" - the annulment or termination by formal action of the Secretary because the licensee is no longer entitled to such a license. [625 ILCS 5/1-110]

"Cleared Miscellaneous Suspensions" - suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew that are no longer in effect.

"Driver Improvement Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.

"Probationary License" - a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.

"Suspension of Driving Privileges" - the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. [625 ILCS 5/1-204]

"Valid Driver's License" - a license issued by the Illinois Secretary of State that is not currently expired, suspended, revoked, or cancelled.

- 1) "Probationary License" - a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.  
 2) "Driver Improvement Course" - an organized remedial activity

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approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.  
 3) "Cleared Miscellaneous Suspensions" - suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew which are no longer in effect.  
 4) "Valid Driver's License" - a license issued by the Illinois Secretary of State which is not currently expired, suspended, revoked, or cancelled.  
 5) "Suspension of Driving Privileges" - the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. See Section 1-204 of the Illinois Vehicle Code.  
 6) "Cancellation of License" - the annulment or termination by formal action of the Secretary because the licensee is no longer entitled to such a license. See Section 1-110 of the Illinois Vehicle Code.

- b) A probationary license Probationary License as defined in Section 1030.120 of this Part shall be cancelled and/or further action taken against the individual's driving privileges if one of the following situations occurs:

- 1) The Secretary of State receives reliable written evidence that the individual is less than 18 years of age.
- 2) The Secretary of State receives reliable written evidence that traffic convictions which were committed prior to the effective date of the suspension entered pursuant to Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] will result in the total points assessed against the individual's driving record to exceed 74 seventy-four points within a 12 twelve-month period, as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).
- 3) The Secretary of State receives reliable written evidence that the individual's driving privileges have been suspended or revoked within the past 7 seven years, excluding cleared miscellaneous suspensions.
- 4) The Secretary of State receives reliable written evidence indicating that the individual has been arrested, or previously arrested for, an offense which would require mandatory revocation upon conviction pursuant to as stated in Section 6-205 of the Illinois Vehicle Code.
- 5) The Secretary of State receives reliable written evidence that the individual did not attend or failed to complete the driver improvement course.
- 6) The Secretary of State receives a reliable written report of a traffic offense, excluding those listed in Section 6-204(a)(2) of

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the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], which was committed during the effective period of the probationary license.

7) The Secretary of State receives evidence that a traffic conviction was committed on or after the effective date of a suspension and prior to the effective date of the probationary driver's license.

(Source: Amended at 25 Ill. Reg. 959 effective  
JAN 05 2001)

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1) Heading of the Part: Regulations under the Illinois Securities Law of 1953

2) Code Citation: 14 Ill Adm Code 130

3) <u>Section Numbers:</u>	<u>Emergency Action:</u>
130.200	Amended
130.281	Amended
130.838	Amended
130.839	Amended
130.840	Amended
130.841	Amended

4) Statutory Authority: 815 ILCS 5

5) Effective Date of Amendments: January 1, 2001

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed with Index Department: January 1, 2001

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection

9) Reason for Emergency: A new internet-based system of registration for Investment Advisors has been put into effect which changes the expiration date of registration from annual to December 31. Proration of fees will be necessary during the transition year. Adoption of a new Form ADV (17 CFR 279.1) by the US Securities and Exchange Commission, effective January 1, 2001, prohibits the states from requiring federally covered investment advisers to report all branch offices.

10) A Complete Description of the Subjects and Issues Involved:

Section 130.200 Amended to add definition of Investment Adviser Registration Depository (IARD)

Section 130.281 Amended to remove references to federally covered branch offices

Section 130.838 Amended to allow for registration utilizing the IARD system and to prorate fees based on an expiration date of December 31

Section 130.839 Amended to allow for registration utilizing the IARD system and to prorate fees based on an expiration date of December 31

Section 130.840 Amended to include new Form ADV and allow for registration utilizing the IARD system and to prorate

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fees based on an expiration date of December 31  
 Section 130.841 Amended to remove reference to federally covered branch offices and allow registration on the IARD system and to prorate fees based on an expiration date of December 31

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: To continue to register Investment Advisors and Investment Advisor Representatives using the IARD system implemented by NASD and to modify reporting requirements to reflect Revised Form ADV changes.

13) Information and questions regarding this amendment shall be directed to:

Tanya Solov, Director	Vickie Moseley
IL Securities Dept.	IL Securities Dept.
17 N. State St.	Lincoln Tower, 200
Suite 1100	520 S. Second St.
Chicago IL 60601	Springfield IL 62701
(312) 793-3384	(217) 782-2256

The full text of the emergency amendment begins on the next page:

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TITLE 14: COMMERCE  
 SUBTITLE A: REGULATION OF BUSINESS  
 CHAPTER I: SECRETARY OF STATE

## PART 130

## REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies--Signatures
130.190	Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

Section	
133.200	Definitions of Terms Used in the Act and the Rules
<u>EMERGENCY</u>	
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions

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130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions

130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act

130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act

130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(l) of the Act

130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)

130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)

130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act

130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act

130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4.F(1) of the Act

130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act

130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act

130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act

130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act

130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act

130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act

130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act

130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a ~~Federal-Covered-Investment-Adviser~~, as Used in Section 8 of the Act

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130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act

130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act

130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Section 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees

130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act

130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act

130.442 Report of Sale of Securities pursuant to Section 4.G of the Act

130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act

130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Section 130.501 Title of Securities

130.502 Financial Statement Requirements

130.503 Disclaimer of Control

130.505 Formal Requirements as to Consents

130.506 Consents Required in Special Cases

130.507 Application to Dispense with Consent

130.508 Consent to Use of Material Incorporated by Reference

130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act

130.520 Procedures for Registration of Securities by Qualification under Section 5.B of the Act



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130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7

130.530 Renewal of Registration of Securities Under Section 5.E of the Act

130.531 Computation of Fees

130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act

130.533 Formal Requirements for Amendments Under Section 5 of the Act

130.534 Powers to Amend or Withdraw Registration Statement

130.535 Signatures of Amendments

130.536 Delaying Amendments

130.538 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act

130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments

130.550 Additional Fees Under Section 5 of the Act

130.570 Legibility of Prospectuses

130.571 Presentation of Information in Prospectuses

130.572 Summaries or Outlines of Documents

130.573 Preparation of Application for Registration

130.574 Incorporation of Certain Information by Reference

130.575 Form of and Limitation Upon Incorporation by Reference

130.576 Statement Required in Prospectuses

130.577 Prospectuses Supplementing Preliminary Material Supplied Previously

130.578 Application of Amendments to this Part Governing Contents of Prospectuses

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act

130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act

130.590 Identifying Statements

130.591 Requirements as to Appraisals

130.592 Omission of Substantially Identical Documents

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130.600 Preamble

130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act

130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act

130.650 Additional Fees Under Section 6 of the Act

## SUBPART G: INVESTMENT FUND SHARES

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Section

130.700 Preamble

130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act

130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act

130.715 Amended Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

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130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, AND INVESTMENT ADVISERS AND INVESTMENT REPRESENTATIVES

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130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act

130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act

130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act

130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

130.821 Reporting of Dealer Branch Office Location(s) and Required Fees

130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer

130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

130.824 Financial Statements to be Filed by a Registered Dealer

130.825 Records Required of Dealers and Customer Fees

130.826 Registered Dealer Net Capital Requirements

130.827 Confirmations

130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer

130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson

130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act

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 130.840 Representative Under Section 8.D-5 of the Act  
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 130.841 Reporting of Investment Adviser Branch Office Location(s) and  
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 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes  
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 8.D(9) of the Act Prior to Registration as an Investment Adviser  
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 Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per  
 Client and Six (6) or More Months in Advance and Interim Financial  
 Statements  
 130.845 Records Required of Investment Advisers  
 130.846 Written Disclosure Statements of a Registered Investment Adviser  
 130.847 Financial and Disciplinary Information That Investment Advisers Must  
 Disclose to Clients  
 130.850 Account Transactions  
 130.851 Commission, Profit or Other Compensation  
 130.852 Compensation  
 130.853 Account Transactions  
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 130.860 Additional Fees Under Section 8 of the Act  
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 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

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 130.1001 Service of Process upon the Secretary of State

## SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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 130.1100 Preamble  
 130.1101 Qualifications and Duties of the Hearing Officer  
 130.1102 Notice of Hearing  
 130.1103 Institution of a Contested Case by the Securities Department  
 130.1104 Requirement to File an Answer  
 130.1105 Amendment or Withdrawal of the Notice of Hearing  
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## SUBPART P: SAVINGS PROVISIONS

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 130.1661 Investors Syndicate of America, Inc.  
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## SUBPART Q: PUBLIC INFORMATION

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 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency

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expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. ~~973~~ <sup>973</sup>, effective January 1, 2001, for a maximum of 150 days.

## SUBPART B: DEFINITIONS

### Section 130.200 Definitions of Terms Used in the Act and the Rules EMERGENCY

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953 [815 ILCS 5] and this Part.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

"Applicant" means the person making application for registration or exemption.

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"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified public accountant.

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"Controlling Person" as used in Section 4.F of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration Depository" operated by the NASD.

"Customer" as used in Section 130.270 of this Part means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 U.S.C. Secs. 77a-77aa), as in effect on August 1, 1997 (no subsequent amendments or editions).

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 U.S.C. Secs. 78a-78aa), as in effect on August 1, 1997 (no subsequent amendments or editions).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 U.S.C. Sec. 1 et seq.), as in effect on August 1, 1997 (no subsequent amendments

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or editions).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940, (15 U.S.C. Secs. 80a-1-80a-52), as in effect on August 1, 1997 (no subsequent amendments or editions).

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 U.S.C. Secs. 80b-1-80b-21), as in effect on August 1, 1997 (no subsequent amendments or editions).

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder, as in effect on August 1, 1997 (no subsequent amendments or editions).

"Federal covered investment adviser representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser.

"Federal Public Utility Holding Company Act of 1935" means the Public Utility Holding Company Act of 1935 (15 U.S.C. subsection 79-792-6), and the Rules and Regulations thereunder, as in effect on August 1, 1997 (no subsequent amendments or editions).

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts" as used in Section 130.270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130.270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

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"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"IARD" means the computer web-based registration system for the registration of investment advisers and investment adviser representatives known as the Investment Adviser Registration Depository operated by the NASD.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 U.S.C. 1-9602), and the Rules and Regulations thereunder, as in effect on August 1, 1997 (no subsequent amendments or editions).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under



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the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor" as used in Section 130.420 of this Part means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients, and any other location that is held out to the general

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public as a location at which the investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means

any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or

any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this subsection if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium, which offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this Section) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the

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communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by the Sections in this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR 1.31 et seq. as in effect on August 1, 1997 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 U.S.C. Sec. 78aaa et seq. as in effect

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on August 1, 1997 (no subsequent amendments or editions).

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to 17 CFR Part I Sec. 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness

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incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which:

is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and

issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction" as used in Section 130.270 of this Part means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 979 effective January 1, 2001, for a maximum of 150 days)

**Section 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser ~~or a Federal-Covered Investment Adviser~~, as Used in Section 8 of the Act**

**EMERGENCY**

- a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place or location in this State where the registered investment adviser or ~~its the--federal--covered--investment adviser--or--their~~ investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients, or any other location that is held out to the general public as a location at which the registered investment adviser ~~or--the federal--covered--investment--adviser~~ or ~~its~~ their investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients.

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- b) The principal office located in this State of the registered investment adviser ~~or--the--federal--covered--investment--adviser~~, if any, shall not be considered a branch office.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 979 effective January 1, 2001, for a maximum of 150 days)

**SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, AND INVESTMENT ADVISERS AND INVESTMENT REPRESENTATIVES**

**Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act**

**EMERGENCY**

- a) Federal covered investment advisers shall file with the Securities Department copies of page 1 of the most recent Form ADV, Schedule E, and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.

- b) For purposes of annual notification filing a federal covered investment adviser shall file with the Securities Department the Annual Notification filing form and Schedule I to Form ADV, or copies of page 1 of the most recent Form ADV, Schedule E and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.

- c) Amendments to page 1 of Form ADV shall be filed with the Securities Department at the same time they are filed with the SEC.

- d) In the event the federal covered investment adviser changes the form of its organization it shall pay the fee specified in Section 130.110 of this Part.

- e) A federal covered investment adviser that is no longer eligible for SEC registration shall file as an investment adviser with the Securities Department within 90 days after the date the investment adviser is required to file Schedule I to Form ADV with the SEC indicating it is no longer eligible for SEC registration.

- f) In the event the notification or the full amount of fees required by this Section are not filed with or paid to the Secretary of State, the Secretary of State shall notify the federal covered investment adviser of such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee). In the event the federal covered investment adviser fails to remedy the deficiency within ten business days after receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such as a refusal and may, until October 11, 1999, require the federal covered investment adviser to register pursuant to subsections A and D of Section 8 of the Act.



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- g) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5., 8.D., 8.D-5. and 8.H. and "with the Securities Department" as used in this Section shall include a filing and/or fee made with the NASD utilizing the IARD.
- h) Proration. Fees paid with annual notifications filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in calendar year 2001. All annual notifications filed in the calendar year 2001 shall expire at the end of December 31, 2001. Beginning in the calendar year 2002, all filings shall be on a calendar year basis.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 973 effective January 1, 2001, for a maximum of 150 days)

**Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act**

**EMERGENCY**

- a) Each investment adviser and federal covered investment adviser shall file with the Securities Department a complete and current application for each investment adviser representative and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- b) The application shall consist of a Form U-4 for each investment adviser representative.
- c) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with the Securities Department the annual re-registration of investment adviser form, or the annual notification filing form for federal covered investment advisers, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- d) For the purposes of this Section an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director (or other person occupying a similar status or performing similar functions), or an employee of a federal covered investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser, if:
- 1) more than ten percent of such person's clients are natural persons, other than sophisticated clients; and
  - 2) such person has a place of business in the State of Illinois.
- As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser, has at least \$500,000 under management with the federal covered investment adviser or the federal investment adviser reasonably believes,

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- immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.
- e) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- f) In the event the investment adviser representative's activities are terminated, the investment adviser shall file a Form U-5 with the Securities Department within 30 days after the termination.
- g) In the event the investment adviser representative transfers registration from one investment adviser or federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file a Form U-4 with the Securities Department, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- h) For the limited purpose of this Section and solely for filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5., 8.D., 8.D-5. and 8.H. and "with the Securities Department" as used in this Section shall include a filing and/or fee made with the NASD utilizing the IARD.

- i) Proration. Filing fees paid with the annual re-registration of each investment adviser representative filed in the calendar year 2001 (except late filings fees, if any) shall be prorated based on the number of months remaining in calendar year 2001. All annual re-registrations of investment adviser representatives filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in calendar year 2002, all annual re-registrations of investment adviser representatives shall be on a calendar year basis.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 973 effective January 1, 2001, for a maximum of 150 days)

**Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act**

**EMERGENCY**

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:
- 1) The Revised Uniform Application for Investment Adviser Registration (Form ADV) required by 17 CFR 279.1 as in effect on August-17-1997 October 10, 2000 (no subsequent amendments or editions) including Schedule E thereto listing all branch offices



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- in this State, if any;
- 2) A balance sheet for the investment adviser as of a date not more than 60 days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:
    - A) an affirmation that the information is true and correct; and
    - B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept pre-payment of fees in excess of \$500.00 per client and six or more months in advance;
  - 3) One copy of page one of the applicant's most recent Articles of Incorporation or, if a partnership, certificate of assumed name or similar document evidencing the legal name of the applicant;
  - 4) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD, IARD or otherwise, the following:
    - A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8.D of the Act; and
    - B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing or otherwise;
  - 5) One copy of Form U-4 for each investment adviser representative who renders investment advice in this State on behalf of the applicant and the fee specified in Section 130.110 of this Part;
  - 6) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion; and
  - 7) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State.
- b) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs which renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- c) For purposes of this Section, material information includes, but is not limited to:
- 1) the name and address of the investment adviser;
  - 2) type of business organization of the investment adviser;

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- 3) disciplinary action concerning the investment adviser;
  - 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
  - 5) whether the investment adviser has discretion over clients' portfolios; or
  - 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.
- d) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5., 8.D., 8.D-5. and 8.H. and "with the Securities Department" as used in this Section shall include a filing and/or fee made with the NASD utilizing the IARD.
- e) Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001. All new registration applications and re-registration applications filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.
- (Source: Amended by emergency rulemaking at 25 Ill. Reg. effective January 1, 2001, for a maximum of 150 days)

**Section 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees**

**EMERGENCY**

- a) Each investment adviser ~~and-federal-covered-investment-adviser~~ shall file with the Securities Department with its application for registration ~~or-notification-filing~~ a schedule setting forth the address of each branch office in this State as defined in Section 130.280 of this Part. A Schedule D B of the Revised Uniform Application for Investment Adviser Registration required by Section 130.840(a)(1) of this Part disclosing each branch office in this State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.
- b) Each registered investment adviser ~~and-federal-covered-investment-adviser~~ shall file or have filed with the Securities Department prior to re-registration ~~or-notification-renewal~~ a schedule setting forth the address of each branch office and pay to the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.
- c) No registration or re-registration ~~or-notification-or-notification-renewal~~ of an investment adviser ~~or-a-federal-covered-investment-adviser~~ shall become effective until such schedule of the investment

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adviser's ~~or--the--federal--covered--investment--adviser's~~ branch office has been filed with the Securities Department and such fee, if any, has been paid.

d) The registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield within ten business days after:

- 1) the opening of any branch office in this State not previously reported and setting forth the address of such branch office; and
- 2) the closing of any branch office in this State and setting forth the address of such branch office.

e) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5., 8.D., 8.D-5., and 8.H. and "with the Securities Department" as used in this Section shall include a filing and/or fee made with the NASD utilizing the IARD.

f) Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001. All new registration applications and re-registration applications filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.

g) ~~A federal covered investment adviser shall file with the Securities Department in Springfield each amendment to Schedule B of Form ADV when filed with the SEC.~~

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 974 effective January 1, 2001, for a maximum of 150 days)

## DEPARTMENT OF INSURANCE

## JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Advertising and Sales Promotion of Life Insurance and Annuities; 50 Ill. Adm. Code 909

1) Rulemaking:

A) Description: This Part will be amended to reflect that when a life insurance policy is used to fund a pre-need contract, the pre-need contract must be revocable and the assignment provision in the pre-need contract must state this fact in bold print. Additionally, this amendment will indicate that an assignment of the policy or annuity to a seller or provider, to fund a guaranteed price pre-need contract can only be made subsequent to the issuance of the policy or annuity. The purchaser may irrevocably assign ownership of the policy or annuity to fund a guaranteed price pre-need contract to a person or trust for the purpose of obtaining favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program as permitted under federal law except that neither the seller nor the contract provider shall be named owner of the policy or annuity.

B) Statutory Authority: Implementing Sections 149, 151, 155.05, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 155.05, 236, 237, 401, 426 and 502].

C) Scheduled meeting/hearing date: None have been scheduled

D) Date agency anticipates First Notice: July 2001

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Betty Jo Teer  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
(217) 785-7349

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Life Insurance Solicitation; 50 Ill. Adm. Code 930

DEPARTMENT OF INSURANCE  
JANUARY 2001 REGULATORY AGENDA

1) Rulemaking:

A) Description: This Part will be amended to reflect that when a life insurance policy is used to fund a pre-need contract, the pre-need contract must be revocable and the assignment provision in the pre-need contract must state this fact in bold print. Additionally, this amendment will indicate that an assignment of the policy or annuity to a seller or provider, to fund a guaranteed price pre-need contract can only be made subsequent to the issuance of the policy or annuity. The purchaser may irrevocably assign ownership of the policy or annuity to fund a guaranteed price pre-need contract to a person or trust for the purpose of obtaining favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program as permitted under federal law except that neither the seller nor the contract provider shall be named owner of the policy or annuity. In addition to the assignment issues noted above, the Department will also require companies to provide either a policy illustration or policy summary to the potential insured, consistent with the requirements of Part 1406. This change will occur in Section 930.50 of this Part.

B) Statutory Authority: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXVI and 401].

C) Scheduled meeting/hearing date: None have been scheduled

D) Date agency anticipates First Notice: July 2001

E) Affect on small businesses, small municipalities or not for profit Corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Betty Jo Teer  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
(217) 785-7349

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Group Accident and Health Insurance Diabetes Self-Management Training and Education Coverage; 50 Ill. Adm.

DEPARTMENT OF INSURANCE  
JANUARY 2001 REGULATORY AGENDA

Code 2019

1) Rulemaking:

A) Description: This new rule will be designed to remove ambiguities found in Section 356w of the Illinois Insurance Code [215 ILCS 5/356w] concerning payment for specified diabetes equipment and pharmaceuticals.

B) Statutory Authority: Implementing Section 356w and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/356w and 401].

C) Scheduled meeting/hearing date: None have been scheduled

D) Date agency anticipates First Notice: August 2001

E) Affect on small businesses, small municipalities or not for profit corporations: This new rule will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Bill McAndrew, Assistant Deputy Director  
Life, Accident and Health Compliance  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, Illinois 62767-0001  
(217) 782-4254

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill. Adm. Code 1140)

1) Rulemaking:

A) Description: Continuing education rules, approved program standards, and other sections that may need to be revised due to the newness of regulation of this profession.

B) Statutory Authority: [225 ILCS 2]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed acupuncturists will be effected.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

A) Description: Continuing education will be addressed.

B) Statutory Authority: [225 ILCS 305]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects will be affected.

F) Agency contact person for information:

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 2001 REGULATORY AGENDA

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Illinois Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

A) Description: Continuing education will be addressed.

B) Statutory Authority: [225 ILCS 330]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed land surveyors will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)

1) Rulemaking:

A) Description: Technical revisions to various sections will be made.

B) Statutory Authority: [225 ILCS 425]

C) Scheduled meeting/hearing date: No hearings or meetings have been



## DEPARTMENT OF PROFESSIONAL REGULATION

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scheduled.

D) Date agency anticipates First Notice: March 2001

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Optometric Practice Act of 1987, (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: Technical revisions to various sections may be made.

B) Statutory Authority: [225 ILCS 80]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed optometrists will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Perfusionist Practice Act (New Part)

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1) Rulemaking:

A) Description: A new Part will be written to implement this Act. The Department is required to promulgate rules requiring the licensure and certification of perfusionists, including a schedule of fees for the administration and enforcement of the Act. When the rules are adopted, the Department can start accepting applications.

B) Statutory Authority: [225 ILCS number to be determined]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Those wishing to be licensed as perfusionists will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)

1) Rulemaking:

A) Description: Technical revisions to various sections will be made.

B) Statutory Authority: [225 ILCS 100]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed podiatrists will be affected.

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F) Agency contact person for information:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: Noneh) Part(s) (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of PA 91-92, the sunset reauthorization of the Act, including continuing education.

B) Statutory Authority: [225 ILCS 325]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: Nonei) Part(s) (Heading and Code Citation): Public Accounting Act (68 Ill. Adm. Code 1420)1) Rulemaking:

A) Description: Various sections are being updated.

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B) Statutory Authority: [225 ILCS 450]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Registered public accountants will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: Nonej) Part(s) (Heading and Code Citation): Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of PA 91-91, the sunset reauthorization of the Act, including continuing education.

B) Statutory Authority: [225 ILCS 340]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645

## DEPARTMENT OF PROFESSIONAL REGULATION

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- G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Plumbers Licensing Code (68 Ill. Adm. Code 750)

1) Rulemaking:

A) Description: The amendments are intended to clarify existing rules concerning civil penalties that may be imposed on persons who practice plumbing without a license.

B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]

C) Scheduled meeting/hearing dates: Final draft amendments will be reviewed by the State Board of Plumbing Examiners, the Plumbing Code Advisory Council and the Ad Hoc Plumbing Industry Committee in the first quarter of 2001. These groups consist of licensed plumbers and those in the plumbing industry.

D) Date agency anticipates First Notice: Second quarter of 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on schools, school districts and small businesses.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- b) Part(s) (Heading and Code Citation): Alzheimer's Disease Management Center Demonstration Program Code (77 Ill. Adm. Code 225)

1) Rulemaking:

A) Description: These rules will implement Public Act 91-839, which amended the Alternative Health Care Delivery Act to establish a demonstration program for an Alzheimer's disease management center alternative health care model, located in Will County. The rules will include requirements for admission and discharge of

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residents; personnel; health care worker background check; resident assessment and care planning; residential services; medication administration; activities; resident records; residents rights; food service and meal planning; physical plant; and facility design and construction.

B) Statutory Authority: Alternative Health Care Delivery Act (210 ILCS 3)

C) Scheduled meeting/hearing dates: The rules will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: April 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

c) Part(s) (Heading and Code Citation): Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)

1) Rulemaking:

A) Description: These rules will implement Public Act 91-656, the Assisted Living and Shared Housing Act, effective January 1, 2001. The rules will include licensure procedures; personnel requirements, including the qualifications of the director; residents' rights; mandatory and optional services; provisions for Department monitoring and review; physical plant and environmental requirements; reporting requirements; provisions for emergency and disaster plans; requirements concerning medication administration; residency and termination of residency requirements; and requirements for service delivery contracts, record retention, resident assessment, and disclosure of information.

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B) Statutory Authority: Assisted Living and Shared Housing Act (210 ILCS 9)

C) Scheduled meeting/hearing dates: These rules will be reviewed by the Assisted Living and Shared Housing Advisory Board. Public hearings will be scheduled after the rules are proposed.

D) Date agency anticipates First Notice: January 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

d) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)  
Sheltered Care Facilities Code (77 Ill. Adm. Code 330)  
Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)  
Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)  
Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

1) Rulemaking:

A) Description: This amendment will establish procedures for notification of an emergency response system in emergency situations, cases of physical and sexual abuse, situations where a crime has been committed by a person other than a resident, and when a resident death has occurred other than by disease processes.

B) Statutory Authority: Nursing Home Care Act (210 ILCS 45)

C) Scheduled meeting/hearing dates: This amendment was reviewed by the Long-Term Care Facility Advisory Board.



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- D) Date agency anticipates First Notice: February 2001
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

e) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)1) Rulemaking:

- A) Description: Subpart S will establish programs and service requirements for licensed skilled and intermediate care facilities caring for any individual with mental illness. Subpart T will establish program and service requirements for facilities meeting certain criteria, largely serving individuals with mental illness, and who choose to participate in the Illinois Department of Public Aid's program relating to specialized services, training, technical assistance, development and use of a standardized assessment tool, data collection, and admission restrictions.

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

- C) Scheduled meeting/hearing dates: This amendment will be reviewed by the Long-Term Care Facility Advisory Board.

- D) Date agency anticipates First Notice: March 2001

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

## DEPARTMENT OF PUBLIC HEALTH

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Paul Thompson  
Department of Public Health  
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535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

f) Part(s) (Heading and Code Citation): Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390).1) Rulemaking:

- A) Description: These amendments will revise requirements for dietary services and activities programs.

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

- C) Scheduled meeting/hearing dates: This amendment will be reviewed by the Long-Term Care Facility Advisory Board.

- D) Date agency anticipates First Notice: March 2001

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

g) Part(s) (Heading and Code Citation): Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450)

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1) Rulemaking:

A) Description: The Illinois Clinical Laboratories Code will be amended to reflect changes in the Illinois Clinical Laboratory and Blood Bank Act. In addition, laboratory regulation in Illinois has largely been assumed by the federal government under the Clinical Laboratory Improvement Act.

B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

C) Scheduled meeting/hearing dates: The rules will be reviewed by the Clinical Laboratory and Blood Bank Advisory Board.

D) Date agency anticipates First Notice: March 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

h) Part(s) (Heading and Code Citation): Laboratory Service Fees (77 Ill. Adm. Code 475)

1) Rulemaking:

A) Description: Amendments will add additional tests provided by the Department's Division of Laboratories, including Orasure testing for HIV, Mycobacteria tuberculosis direct testing, and amplified DNA testing for chlamydia and gonorrhea. The amendments will also increase laboratory service fees to reflect current actual cost of tests.

B) Statutory Authority: Implementing and authorized by the Civil Administrative Code of Illinois [20 ILCS 2310/2310]

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C) Scheduled meeting/hearing dates: Draft amendments will be reviewed by the State Board of Health on March 15, 2001.

D) Date agency anticipates First Notice: April 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Physicians or health care providers that are small businesses and small local health departments that send specimens to the Department's laboratory for laboratory services will be affected. Costs will be slightly increased, but the new tests available will be a positive effect on users of laboratory services.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

i) Part(s) (Heading and Code Citation): Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) Rulemaking:

A) Description: The amendments will establish procedures for reporting complaints to the Department. The Department will investigate the complaint if it alleges action or conditions that could result in a denial, nonrenewal, suspension or revocation of licensure or designation. A rulemaking will also amend several Sections of the Department's EMS and trauma rules to correct technical errors and to update the rules to reflect changes in Department policy. These changes included requiring EMTs to pass the National Registry examination rather than offering the option of a Department examination; requiring EMTs pre-hospital registered nurses, emergency communications registered nurses, and trauma nurse specialists to notify the Department within 10 days after a change in name, address, employer, or System affiliation; deleting a requirement for end stop devices on ambulances; clarifying response times and staffing requirements for trauma centers; updating reporting requirements for trauma centers;

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adding provisions for trauma nurse specialist suspension; revising requirements for trauma center designation requests.

- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

- C) Scheduled meeting/hearing dates: These amendments were reviewed by the State Emergency Medical Services Council.

- D) Date agency anticipates First Notice: February 2001

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

- F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- j) Part(s) (Heading and Code Citation): Distribution of Medical Student Scholarship Payback Funds (77 Ill. Adm. Code 594)

1) Rulemaking:

- A) Description: The rulemaking amends the educational loan payback provisions according to repayment contract of the federal Department of Health and Human Services (DHHS) and includes dentists and psychiatrists in the program according to DHHS. Makes corrective technical changes.

- B) Statutory Authority: Family Practice Residency Act [110 ILCS 935] and Sections 2310-200 and 2310-205 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-200 and 2310-205]

- C) Scheduled meeting/hearing dates: Draft amendments reviewed by the State Board of Health.

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- D) Date agency anticipates First Notice: February 2001

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

- F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- k) Part(s) (Heading and Code Citation): Local Health Protection Grant Rules (77 Ill. Adm. Code 615)

1) Rulemaking:

- A) Description: The rules currently require that all new water wells be inspected by the local health department. Proposed revisions to potable water supply program requirements clarify that at least one well constructed by each contractor working in the jurisdiction shall receive a comprehensive inspection at the time of construction to assure that proper materials and construction methods are being used. Proposed changes for inspection of the well sealing process would require the local health department to be present at the site when a well is being sealed by a homeowner; and to annually inspect all well sealings, up to a minimum of three, by each licensed contractor sealing wells in their jurisdiction, to assure that proper materials and methods are used to seal abandoned wells. Proposed revisions to the infectious diseases program requirements would require local health departments in consultation with the Department to jointly monitor trends in selected reportable diseases on an annual basis. The draft amendments state that communicable disease control programs should use information obtained from this monitoring in combination with other program activity measures in order to assess program performance and undertake program planning. Local health departments would be asked to demonstrate compliance with this process by either producing an annual report that includes disease case rates and is distributed to the public health and

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medical community; or selecting on an annual basis at least three diseases of concern and providing written interpretations of trends and a plan of action in response to those trends. In addition, changes are proposed to the provisions concerning distribution of grant funds. This Section of the rules contains obsolete information concerning calculation of grant awards and obsolete dollar amounts for minimum and multi-county grant award levels. Specific dollar amounts are being eliminated from the rules. Another proposed change that would be applicable to all certified local health departments is the maintenance of a 24-hour notification system that the Department, hospitals, or members of the general public could contact to promptly reach a staff person to report a suspected or actual public health incident or event.

B) Statutory Authority: The Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and the Civil Administrative Code of Illinois [20 ILCS 2310/2310].

C) Scheduled meeting/hearing dates: Draft amendments will be reviewed by the State Board of Health on March 15, 2001.

D) Date agency anticipates First Notice: April 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Physicians or health care providers that are small businesses and small local health departments that send specimens to the Department's laboratory for laboratory services will be affected.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: The draft amendments were sent to all public health administrators, directors of environmental health and communicable disease coordinators of certified local health departments in November 2000 for comment.

i) Part(s) (Heading and Code Citation): AIDS Drug Assistance Program (77 Ill. Adm. Code 692)

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1) Rulemaking:

A) Description: The AIDS Drug Assistance Program (ADAP) uses 400% of the most recent Federal Poverty Guidelines published annually by the U.S. Department of Health and Human Services as an eligibility criteria for participation in the program. Part 692 incorporates the federal poverty guidelines and must be amended when the guidelines are updated annually in March.

B) Statutory Authority: Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff), and the Civil Administrative Code of Illinois [20 ILCS 2310/2310].

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: April 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: These rules do not affect small businesses, small municipalities, and not-for-profit corporations. They only affect individuals who participate in ADAP.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

m) Part(s) (Heading and Code Citation): Food Service Sanitation Code (77 Ill. Adm. Code 750)

1) Rulemaking:

A) Description: An amendment to Section 750.551(d) of the Food Service Sanitation Code will extend the length of time in which managers certified in food service sanitation may renew their certificates once certificates have expired. Currently, managers may renew their certificates up to 30 days after expiration. The proposed change will lengthen that period to 6 months after



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expiration of certificates.

- B) Statutory Authority: The Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Sanitary Food Preparation Act [410 ILCS 650] and the Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled meeting/hearing dates: Amendment will be reviewed by the Illinois Food Safety Advisory Committee on February 13, 2001 and by the State Board of Health on March 15, 2001.

D) Date agency anticipates First Notice: Second quarter of 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed change will have a positive effect on small businesses, municipalities, and not-for profit corporations because it will make it less burdensome for food service sanitation managers to renew their certifications.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

n) Part(s) (Heading and Code Citation): Safe and Hygienic Bed Code (77 Ill. Adm. Code 835)

1) Rulemaking:

A) Description: These rules will implement legislation regulating bedding manufacturers, renovators, rebuilders, and sanitizers whose products may be sold to retailers, wholesalers, or consumers in Illinois. The rules will require bedding that is manufactured, renovated, sanitized, sold, or distributed within Illinois to bear a label stating whether the bedding is made from all new materials or is made in whole or in part from secondhand material. Bedding industry businesses will be required to register and pay an annual fee to the Department. The rules will also define approved or recognized sanitization processes for used bedding

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B) Statutory Authority: Safe and Hygienic Bed Act [410 ILCS 68]

C) Scheduled meeting/hearing dates: The Department will notify all bedding producers whose names have been provided by the industry association, International Sleep Products Association, or who have contacted the Department and requested notification of rule publication or compliance instructions.

D) Date agency anticipates First Notice: April 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Bedding manufacturers will be required to pay an annual registration fee and label bedding products.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

o) Part(s) (Heading and Code Citation): Manufactured Housing and Mobile Structures (77 Ill. Adm. Code 880)

1) Rulemaking:

A) Description: The proposed amendments will adopt the most current model codes and establish requirements for the inspection at the factory of every structure located in Illinois. Criteria for third party inspection agencies will be created.

B) Statutory Authority: Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115]

C) Scheduled meeting/hearing dates: The Manufactured Housing and Mobile Home Safety Advisory Council will review amendments in January 2001

D) Date agency anticipates First Notice: Spring 2001

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed rulemaking will require manufacturers to have each unit inspected by an independent inspection agency.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

p) Part(s) (Heading and Code Citation): Illinois Plumbing Code (77 Ill. Adm. Code 890)

1) Rulemaking:

A) Description: Amendments will incorporate current plumbing practices, materials and technology and provide necessary clarification of the Plumbing Code.

B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]

C) Scheduled meeting/hearing dates: A public hearing is scheduled for January 25, 2001, 10:30 a.m. - 2:00 p.m., Southern Illinois University-Edwardsville, Morris University Center, 2nd Floor, Redbud-Oak Rooms, Edwardsville, Illinois. Interested persons may submit oral or written comments concerning the Illinois Plumbing Code at the hearing. These comments will be considered in the development of proposed amendments. Draft amendments will be reviewed by the State Board of Plumbing Examiners, the Plumbing Code Advisory Council and the Ad Hoc Plumbing Industry Committee during the first quarter of 2001.

D) Date agency anticipates First Notice: Second quarter of 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on schools, school districts and small businesses.

## DEPARTMENT OF PUBLIC HEALTH

## JANUARY 2001 REGULATORY AGENDA

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

q) Part(s) (Heading and Code Citation): Migrant Labor Camp Code (77 Ill. Adm. Code 935)

1) Rulemaking:

A) Description: These rules will be amended to address apartments, student dormitories and hotel units in use at licensed migrant labor camps, in addition to a general update of the Code.

B) Statutory Authority: Illinois Migrant Labor Camp Law [210 ILCS 110]

C) Scheduled meeting/hearing dates: The Migrant Labor Camp Advisory Committee will review a final draft of the amendments in January 2001.

D) Date agency anticipates First Notice: May 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The proposed changes should have a minimal effect on the owners of migrant labor housing units.

F) Agency contact person for information:

Paul Thompson  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning the 2.2 Upgrade and Payroll Deduction Program.

B) Statutory Authority: Implementing and authorized by Article 1 and Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Thomas S. Gray, Assistant General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253  
(217) 753-0375

G) Related rulemakings and other pertinent information: The System has no current rulemaking in progress.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill Adm Code 3000

3) Register citation of proposed rulemaking: May 5, 2000; 24 Ill Reg 6754

4) Explanation: At its October 17, 2000 meeting, the Joint Committee on Administrative Rules objected to Section 300.930 of the above rulemaking. This Section concerns the hours during which alcoholic beverages may be served on a gaming day. The agency responded to the Objection on December 27, 2000, stating that it would proceed to adopt the Section as it appeared at 2nd Notice. However, the adopted rulemaking was published in the 1/5/01 issue of the *Illinois Register* without Section 300.930 and with a November 8, 2000 effective date. The Joint Committee apologizes for this error. The complete text of the rulemaking follows this notice and its effective date is January 8, 2001.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## TITLE 86: REVENUE

## CHAPTER IV: ILLINOIS GAMING BOARD

## PART 3000

## RIVERBOAT GAMBLING

## SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

## SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## Appointment of Receiver for an Owner's License

3000.238	Supplier's Licenses
3000.240	Renewal of Supplier's License
3000.241	Amendment to Supplier's Product List
3000.242	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

## SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

## SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

## SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

3000.510 Cancelled or Disrupted Cruises

## SUBPART F: CONDUCT OF GAMING

Section  
 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards  
 3000.602 Disposition of Unauthorized Winnings  
 3000.605 Authorized Games  
 3000.606 Gaming Positions  
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices  
 3000.614 Tournaments, Enhanced Payouts and Give-aways  
 3000.615 Payout Percentage for Electronic Gaming Devices  
 3000.616 Cashing-In  
 3000.620 Submission of Chips for Review and Approval  
 3000.625 Chip Specifications  
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips  
 3000.631 Tournament Chips  
 3000.635 Issuance and Use of Tokens for Gaming  
 3000.636 Distribution of Coupons for Complimentary Chips, and Tokens and Cash  
 3000.640 Exchange of Chips and Tokens  
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor  
 3000.650 Inventory of Chips  
 3000.655 Destruction of Chips and Tokens  
 3000.660 Minimum Standards for Electronic Gaming Devices  
 3000.665 Integrity of Electronic Gaming Devices  
 3000.666 Bill Validator Requirements  
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

## SUBPART G: EXCLUSION OF PERSONS

Section  
 3000.700 Duty to Exclude  
 3000.710 Distribution and Availability of Exclusion Lists  
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List  
 3000.725 Duty of Licensees  
 3000.730 Procedure for Entry of Names  
 3000.740 Petition for Removal from Exclusion List

## SUBPART H: SURVEILLANCE AND SECURITY

Section  
 3000.800 Required Surveillance Equipment  
 3000.810 Riverboat and Board Surveillance Room Requirements  
 3000.820 Segregated Telephone Communication  
 3000.830 Surveillance Logs  
 3000.840 Storage and Retrieval  
 3000.850 Dock Site Board Facility

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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3000.860 Maintenance and Testing

## SUBPART I: LIQUOR LICENSES

Section  
 3000.900 Liquor Control Commission  
 3000.910 Liquor Licenses  
 3000.920 Disciplinary Action  
 3000.930 Hours of Sale

## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section  
 3000.1000 Ownership Records  
 3000.1010 Accounting Records  
 3000.1020 Standard Financial and Statistical Records  
 3000.1030 Annual and Special Audits and Other Reporting Requirements  
 3000.1040 Accounting Controls Within the Cashier's Cage  
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit  
 3000.1060 Handling of Cash at Gaming Tables  
 3000.1070 Tips or Gratuities  
 3000.1071 Admission Tax and Wagering Tax  
 3000.1072 Cash Reserve Requirements

## SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section  
 3000.1100 Coverage of Subpart  
 3000.1105 Duty to Maintain Suitability  
 3000.1110 Board Action Against License or Licensee  
 3000.1115 Complaint  
 3000.1120 Appearances  
 3000.1125 Answer  
 3000.1126 Appointment of Hearing Officer  
 3000.1130 Discovery  
 3000.1135 Motions for Summary Disposition  
 3000.1139 Subpoena of Witnesses  
 3000.1140 Proceedings  
 3000.1145 Evidence  
 3000.1146 Prohibition of Ex Parte Communication  
 3000.1150 Sanctions and Penalties  
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5,

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1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94-3, effective JAN 08 2001.

## SUBPART A: GENERAL PROVISIONS

## Section 3000.115 Records Retention

- a) All holders of Owner's licenses or Supplier's licenses ~~licenses~~ shall maintain in a place secure from theft, loss or destruction adequate records of business operations which shall be made available to the Board upon request. These records shall be held for at least as long as prescribed by the periodically published Records Retention Schedule, or longer if otherwise prescribed by general accounting and auditing procedures, litigation needs, or state or federal law. These records shall be maintained in a manner accessible to the Board or as otherwise prescribed by the Board ~~for at least five (5) years. These records shall include but are not limited to:~~
- 1) ~~All correspondence with or reports to the Board or any local, state or federal governmental agency;~~
  - 2) ~~All correspondence concerning the acquisition, construction, maintenance or business of a proposed or existing Riverboat or Support Facility;~~
  - 3) ~~Copies of all promotional material and advertising; and~~
  - 4) ~~A personnel file on each employee.~~
- b) A holder of an Owner's license, in such manner and for such time period as the Administrator may approve or require, shall keep accurate, complete and ~~7~~ legible and ~~permanent~~ records of any books, records or document pertaining to, prepared in, or generated by the Riverboat Gaming Operation, regardless of physical form or characteristics or subject matter, including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer maintained and generated data, internal audit records, internal control records, copies of all promotional material and

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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advertising, correspondence and personnel records.

- 1) The Administrator shall publish and periodically update the Retention Schedule for records to be held by a holder of an Owner's License.
- 2) The ownership records shall be maintained as provided in Section 3000.1000.
- 3) The accounting records shall be maintained as provided in Section 3000.1010.
- c) All records shall be organized and indexed in such a manner to provide immediate accessibility to agents of the Board.
- d) No original book, record or document required to be maintained by this Section may be destroyed by a holder of an Owner's or Supplier's License prior to the scheduled retention date without prior approval of the Administrator. No original book, record or document necessary or useful to the audit or certification of a holder of an Owner's license's gross receipts may be destroyed unless and until it has been copied and stored.

(Source: Amended at 25 Ill. Reg. 94-<sup>3</sup>, effective JAN 08 2001)

## SUBPART B: LICENSES

## Section 3000.238 Appointment of Receiver for an Owner's License

- a) Petition for Appointment of Receiver
- 1) The Board may petition the local circuit court in which the riverboat is situated, as provided under the Code of Civil Procedure, for appointment of a receiver for a riverboat gambling operation when any of the following conditions exist:
    - A) the Board has suspended, revoked or refused to renew the license of the owner; or
    - B) the riverboat gambling operation is closing and the owner is voluntarily surrendering the Owner's license.
  - 2) A copy of the petition and notice of a hearing shall be served on the holder of an Owner's license as provided under the Code of Civil Procedure, 735 ILCS 5/2-201 through 2-213.
  - 3) The holder of an Owner's license may seek review before the Illinois Gaming Board for the revocation, non-renewal, or suspension of the license. However, the circuit court in which the Board has filed a petition for a receiver shall have sole jurisdiction over any and all issues pertaining to the appointment of a receiver. In no instance shall the holder of an Owner's license seek review of the appointment of a receiver or decision of the Board to seek appointment of a receiver under any of the Board's administrative procedures.
  - 4) The Board may seek appointment of a receiver for a riverboat gambling operation on an emergency basis, as provided under the

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Code of Civil Procedure, and seek appointment of an interim receiver or a receiver *pendente lite*.

- 5) The Board shall specify the specific powers, duties, and limitations the Board seeks for the receiver, including but not limited to the authority to:

- A) hire, fire, promote and discipline personnel and retain outside employees or consultants;
- B) take possession of any and all property, including but not limited to books, records and papers;
- C) preserve and/or dispose of any and all property;
- D) continue and direct the gaming operations under the monitoring of the Board;
- E) discontinue and dissolve the gaming operation;
- F) enter into and cancel contracts;
- G) borrow money and pledge, mortgage or otherwise encumber the property;
- H) pay all secured and unsecured obligations;
- I) institute or defend actions by or on behalf of the holder of an Owner's license; and
- J) distribute earnings derived from gaming operations in the same manner as admission and wagering taxes are distributed under Sections 12 and 13 of the Riverboat Gambling Act.

## b) Receiver and Duties of the Receiver

- 1) The Board shall submit at least three nominees to the court. The nominees may be individuals or entities selected from a Board approved list of pre-qualified receivers who meet the same criteria for a finding of preliminary suitability for licensure under Section 3000.230(c)(2)(B) and (C). In the event that the Board seeks the appointment of a receiver on an emergency basis, the Board shall submit at least two nominees selected from the Board approved list of pre-qualified receivers to the court and shall issue a Temporary Operating Permit to the receiver appointed by the court.

- 2) A receiver, upon appointment by the court, shall before assuming his or her duties execute and post the same bond as an Owner's licensee pursuant to Section 10 of the Riverboat Gambling Act.

- 3) The receiver shall function as an independent contractor, subject to the direction of the court. However, the receiver shall also provide to the Board regular reports and provide any information deemed necessary for the Board to ascertain the receiver's compliance with all applicable rules and laws. From time to time, the Board may, at its sole discretion, report to the court on the receiver's level of compliance and any other information deemed appropriate for disclosure to the court.

- 4) The term of the receiver shall be set by the court.

- 5) The receiver shall provide to the court and the Board at least 30 days written notice of any intent to withdraw from the appointment or to seek modification of the appointment.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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## c) Compensation

- 1) The Court shall set the amount of reasonable compensation, fees, and expenses to be assessed and retained by the receiver from the adjusted gross receipts of the riverboat gambling operation, after the payment of wagering taxes and admission taxes and any other State or federal taxes, for the services, costs, and expenses of the receiver or for the persons whom the receiver may engage to assist him or her in performing his or her duties, unless otherwise set by court. The Board shall provide to the court its recommendation for a reasonable compensation at the time that the Board submits its recommendation for a receiver.

- 2) The receiver shall maintain and provide to the Court and the Board a complete accounting of all expenses and costs incurred in relation to the receiver's duties. The receiver shall maintain accounting records for a period of at least five years from the date of termination of the appointment.

- d) Effect on the Holder of an Owner's License and the Gaming Operation Except as otherwise provided by action of the Board, the gaming operation shall be deemed a licensed operation subject to all rules of the Board. The receiver, his or her outside employees and consultants, and employees of and suppliers to the gaming operation shall be subject to all rules of the Board.

## e) Action of the Board

If the Board determines to file a Petition for Appointment of Receiver, it shall direct the Administrator to seek representation from the Attorney General and to undertake any and all activities related to the filing of the petition. The Board shall direct the Administrator to undertake any and all activities related to the monitoring of the gaming operation during the duration of the appointment of a receiver. The Board may act under this Section when also acting under Sections 3000.110, 3000.230 and 3000.236 as provided in subsection (a)(1) of this Section, or at any time after it issues a final administrative order pursuant to Subparts D and K of this Part.

(Source: Added at 25 Ill. Reg. 94 - 3 effective JAN 08 2004)

## SUBPART F: CONDUCT OF GAMING

## Section 3000.636 Distribution of Coupons for Complimentary Chips, and Tokens and Cash

- a) The holder of an Owner's license ~~license~~ may, for specified marketing purposes, provide patrons of its Riverboat Gaming Operation coupons redeemable for complimentary Chips, ~~or~~ Tokens, or cash with the approval of the Administrator and subject to the following requirements:

- 1) The processes and procedures for the control, accountability and



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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distribution of coupons for Chips, ~~or~~ Tokens, or cash and for the redemption of such coupons are provided for in the holder of an Owner's license's ~~license's~~ Internal Control System and in conformance with the Internal Control System;

- 2) The aggregate dollar value of Chips, ~~or~~ Tokens, or cash authorized for complimentary purposes is not excessive in light of the specific marketing objectives of the licensee; and
- 3) Periodic internal audits validate the integrity and accountability of the processes and procedures authorized and required under this Section.

- b) Any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under this Part and the Act to be licensed as a Supplier.

(Source: Amended at 25 Ill. Reg. 94 effective JAN 08 2001)

## SUBPART I: LIQUOR LICENSES

## Section 3000.930 Hours of Sale

~~A local law or ordinance applicable to the dock or to locations where Riverboat patrons embark or disembark to the contrary notwithstanding~~—a holder of an Owner's license may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat between the hours of 9:30 a.m. and 4:00 a.m. each Gaming Day. Any Owner Licensee ending a Gaming Day at or before 4:00 a.m. may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat from 9:30 a.m. until one hour prior to that Licensee's close of Gaming Operations that Gaming Day. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24-hour period selected in advance by the Licensee. ~~at any time during a scheduled excursion or as the Administrator shall determine consistent with such scheduled excursion~~

(Source: Amended at 25 Ill. Reg. 94 effective JAN 08 2001)

## SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

## Section 3000.1000 Ownership Records

A holder of an Owner's license shall keep on a permanent basis and provide to the Board upon request the following records.

- a) If a corporation:
  - 1) A certified copy of the articles of incorporation and any amendments;
  - 2) A certified copy of the bylaws and any amendments;
  - 3) A certificate of good standing from the state of its

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- 4) A certificate of authority from the Illinois Secretary of State authorizing it to do business in Illinois, if such corporation is operating as a foreign corporation in Illinois;

- 5) A list of all current and former officers and directors;
- 6) A certified copy of minutes of all meetings of the stockholders and directors;

- 7) A current list of all stockholders including the names of beneficial owners of shares held in street or other names;

- 8) The name of any business entity and a current list of all stockholders in such entity, including the names of beneficial owners of shares held in street or other names, in which such corporation has a direct, indirect or attributed interest;

- 9) A copy of the stock certificate ledger;

- 10) A complete record of all transfers of stock;
- 11) A schedule of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof;

- 12) A schedule of all dividends distributed by the corporation; and
- 13) A schedule of all salaries, wages, and other remuneration (including perquisites), direct or indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than five-percent-~~4~~ 5% of the outstanding capital stock of any class of stock.

## b) If a partnership:

- 1) A certified copy of the partnership agreement;
- 2) A certificate of limited partnership of its domicile;
- 3) A list of the partners, including names, addresses, the percentage of interest in net assets, profits and losses held by each, the amount and date of each capital contribution of each partner, and the date the interest was acquired;
- 4) A schedule of all withdrawals of partnership funds or assets; and
- 5) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to each partner during the calendar or fiscal year.

## c) If a sole proprietorship:

- 1) A schedule showing the name and address of the proprietor and the amount and date of his original investment;
- 2) A schedule of dates and amounts of subsequent additions to the original investment and any withdrawals; and
- 3) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

(Source: Amended at 25 Ill. Reg. 94 effective JAN 08 2001)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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## Section 3000.1010 Accounting Records

a) The holder of an Owner's license shall keep, in accordance with the retention schedule, and provide to the Board upon request the following records: ~~maintain-completely-accurate-legible-and-permanent-records-of-all transactions pertaining to its revenues and expenses, assets, liabilities, and equity. The Administrator may, from time to time, direct the holder of an Owner's license to alter the manner in which such records are maintained.~~

a b) The accounting records shall be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed and subsidiary records.

b e) The Administrator shall prescribe a uniform chart of accounts including account classifications in order to insure consistency, comparability, and appropriate disclosure of financial information. The prescribed chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the holder of an Owner's license.

c d) The detailed subsidiary records shall include as a minimum the following:

- 1) Detailed general ledger accounts identifying all revenue sources, expenses, assets, liabilities and equity for the holder of an Owner's license;
- 2) Records of all investments, advances, loans and receivable balances, other than patron checks, due the establishment;
- 3) Record of all loans and other amounts payable by the holder of an Owner's license;
- 4) Record of all patron checks initially accepted by the holder of an Owner's license, deposited by the owner, returned to the owner as "uncollected" and ultimately written-off as uncollectible by the holder of an Owner's license;
- 5) Journal entries prepared by the holder of an Owner's license and the independent accountant selected by the Administrator;
- 6) Tax workpapers used in preparation of any state or federal tax return;
- 7) Records that ~~which~~ identify Table Drop, Table Win and percentage of Table Win to Table Drop for each live table Game and those records accumulated for each type of live table Game, either by shift or other accounting period approved by the Administrator;
- 8) Records that ~~which~~ identify the actual tokens-in, tokens-out, Electronic Gaming Device Drop, Electronic Gaming Device Win, Electronic Gaming Device Win to Electronic Gaming Device Drop and Theoretical Payout Percentage for each Electronic Gaming Device on a per day basis or other accounting period approved by the Administrator;
- 9) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to patrons in the normal course of an owner's business shall be recorded at an amount based upon the full retail price

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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normally charged for such service or item;

10) Records that ~~which~~ identify the purchase, receipt, and destruction of Gaming Chips and Tokens from all sources ~~including receipts from bill-changers;~~

11) Records required to fully comply with all the federal financial record-keeping ~~Federal Financial Record-keeping~~ requirements as enumerated in ~~title~~ 31 CFR E-P-R-Part 103;

12) Records required by the holder of an Owner's license's Internal Control System;

13) Workpapers supporting the daily reconciliation of cash accountability; ~~and~~

14) Records concerning the acquisition or construction of a proposed or existing Riverboat or Support Facility; and

15) Any other records that the Administrator requires be maintained.   
 d e) If a holder of an Owner's license ~~license~~ fails to maintain the records used by it to calculate the adjusted gross receipts ~~Adjusted Gross-Receipts~~ or the number of persons admitted on the riverboat ~~Riverboat~~, the Administrator may compute and determine the amount upon the basis of an audit conducted by the Board based upon available information.

(Source: Amended at 25 Ill. Reg. 94 effective 1/1/84)

**JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY**

**SECOND NOTICES RECEIVED**

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 2, 2001 through January 8, 2001 and have been scheduled for review by the Committee at its January 9, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/15/01	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	10/27/00 24 Ill Reg 15486	1/9/01

**ACTION CODES**

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing
C - Notice of Correction	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to Objection
EC - Expedited Correction	RC - Statement of Recommendation
ER - Emergency Repealer	RQ - Request for Expedited Correction
M - Modification	S - Suspension
O - Objection	W - Withdrawal

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

**AGING, DEPARTMENT ON**

89 Ill. Adm. Code 250 Elder Abuse Program (PR-14813)  
89 Ill. Adm. Code 270 Elder Rights (P-14822)

**AGRICULTURE, DEPARTMENT OF**

8 Ill. Adm. Code 110 Animal Disease Laboratories Act (P-11356/99;A-990) (P-11417; A-16606)  
8 Ill. Adm. Code 85 Diseased Animals (P-11363/99;A-997) (P-11423; A-16612)  
8 Ill. Adm. Code 105 Swine Disease Control and Eradication Act (P-11392/99;A-1017) (E-8625) (P-11446; A-16635)  
8 Ill. Adm. Code 80 Illinois Bovidae And Cervidae Tuberculosis Eradication Act (P-11369/99; A-1003) (E-8613) (P-11434; A-16623)  
8 Ill. Adm. Code 250 Illinois Pesticide Act (P-187;A-7191)  
8 Ill. Adm. Code 115 Illinois Pseudorabies Control Act (P-11387/99;A-1012) (E-8620) (P-11441; A-16630)  
8 Ill. Adm. Code 900 Livestock Management Facility Regulations (P-14371/99; A-17963)  
8 Ill. Adm. Code 125 Meat And Poultry Inspection Act (P-1746;A-7197) (PP-3933) (PP-5699) (PP-6734) (PP-14074) (PP-14451)  
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking, Procedure, And Programs(A-1564)

**ATTORNEY GENERAL**

14 Ill. Adm. Code 400 Charitable Solicitation Act (P-5727)  
14 Ill. Adm. Code 480 Charitable Trust Act (P-5782; A-14665)  
14 Ill. Adm. Code 475 Motor Vehicle Advertising (P-10547)  
14 Ill. Adm. Code 400 Solicitation for Charity Act (P-5727; A-14684)

**AUDITOR GENERAL**